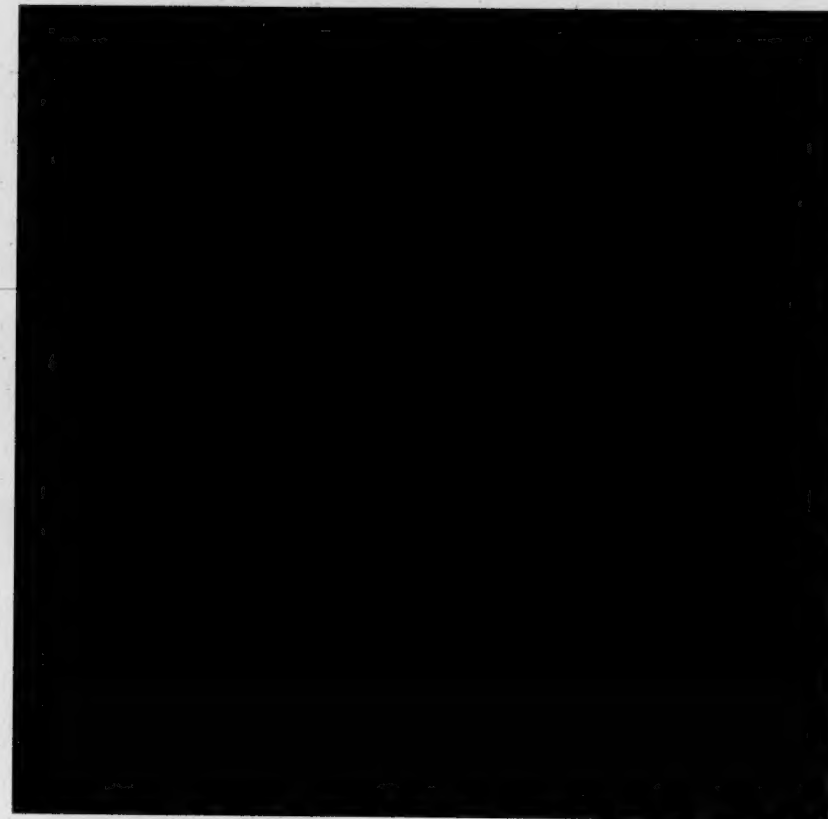
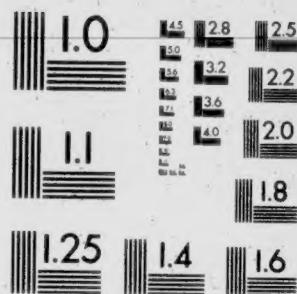
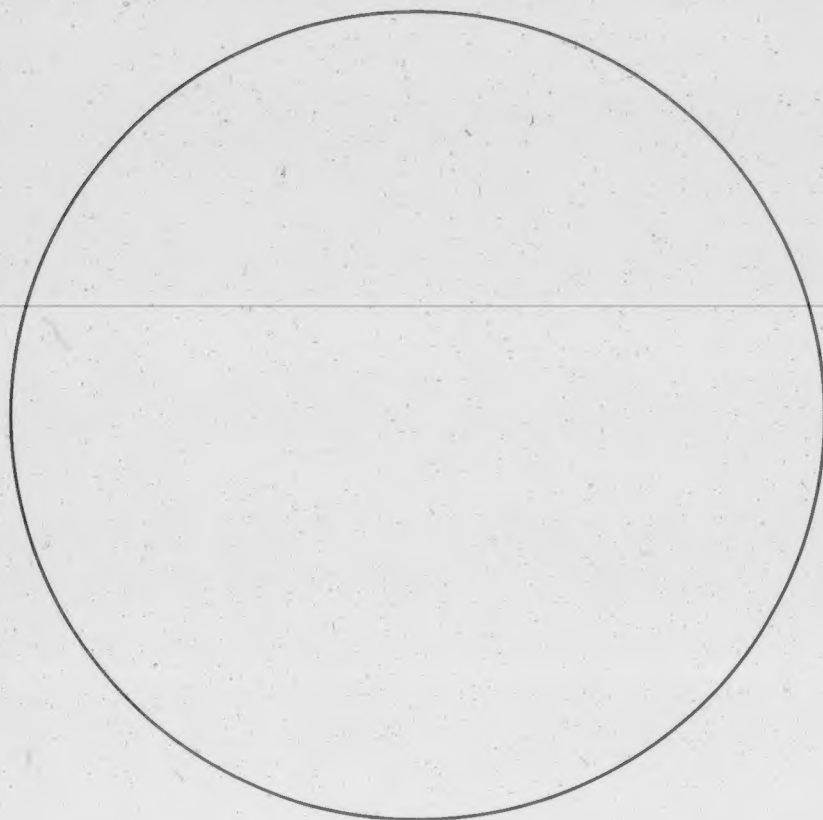
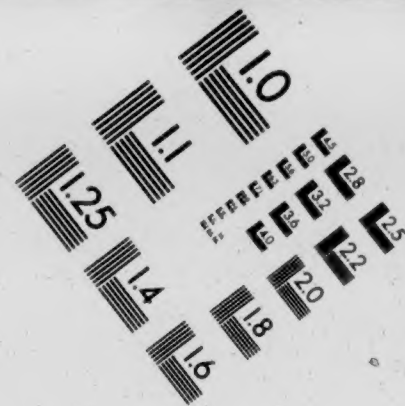
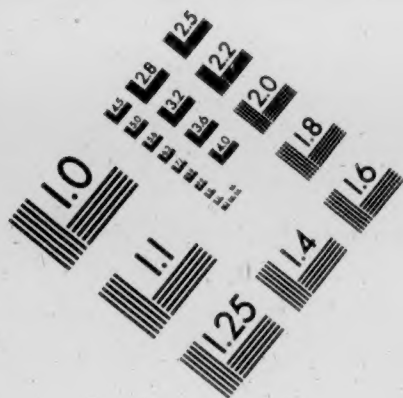


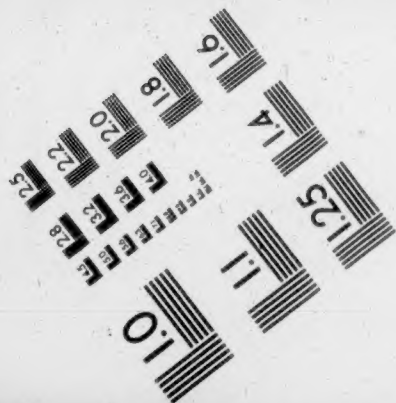
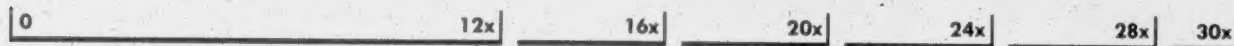


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 128

MISSISSIPPI CHOCTAW MCR 3666- 3764

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WASHINGTON: 1983

Choctaw MCR 3666

Andrew B. Camden

See MCR 3661

MCR 3666

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 3, 1901.

3666

In the matter of the application of Andrew B. Camden for identification as a Mississippi Choctaw.

This applicant is not represented by attorney.

Andrew B. Camden being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Andrew B. Camden.
Q What is your age? A Twenty four.
Q What is your post office address? A Rogers, Arkansas.
Q How long have you lived in Rogers? A Some fourteen years.
Q Where did you live before you lived there? A In the country above.
Q How long have you lived in the vicinity of Rogers or in that County? A Twenty one years.
Q Where were you born? A Gainesville, Texas.
Q Did you go from there to Arkansas? A Yes sir.
Q What is your father's name? A Leroy B. Camden.
Q Is he living? A Yes sir.
Q Did he make application for identification before the Commission today? A Yes sir.
Q Do you want to have his testimony taken into consideration with yours? A Yes sir.
Q And also the examination of Mary Camden, Harriet Alexander, your sisters and your second cousin, Nathaniel Gotcher? A Yes sir.
Q They all appeared today, October 3? A Yes sir.
Q What is your mother's name? A Dirinda Camden.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A Father
Q How much do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A No sir.
Q Making this claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No sir.

Q Did you ever before this time seek to become a citizen of the Choctaw Nation either before the Choctaw tribal authorities or the United States authorities? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir.

Q Do you think you understand it sufficiently to claim under it without having it explained further to you? A Yes sir.

Q As far as you understand it do you claim under it? A Yes sir.

Q Did any of your ancestors, if Choctaw Indians, ever comply or attempt to comply with the provisions of that article fourteen of the treaty of 1830? A I don't know.

Q What was the name of the ancestor you claim under and who, you claim, was a Choctaw Indian living in Mississippi? A Nathaniel Payne.

Q What kin was he to you? A Great grandfather.

Q You claim through your father? A Yes sir.

Q And he claims through his mother; what was her maiden name?

A Odellia Payne.

Q That's your grandmother? A Yes sir.

Q And her father was Nathaniel Payne- that is your great-grandfather? A Yes sir.

Q How much Choctaw blood did he have? A He claimed full blood; I don't know.

Q Did he have a Choctaw name? A I don't know.

Q Did he speak or understand the Choctaw language? A I understand that he did.

Q Do you know that he did? A No.

Q How do you get your information that he did? A Well, different authorities.

Q Who? From your father? A No.

Q In what way are you informed that he spoke Choctaw? A Well, I don't know hardly how it is.

Q Can you give the name of some person that told you? A No.

Q Was he a recognized member of the Choctaw tribe of Indians in Mississippi or Alabama in 1830? A I can't say.

Q Did he or any of your Choctaw ancestors own any land or improvements on land in Mississippi or Alabama? A I don't know.

Q Did any of them go from Mississippi or Alabama to the Choctaw Nation in Indian Territory between 1833 to 1838? A I don't know.

Q Did any of them within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Col. Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive and land in Mississippi under article fourteen of the treaty of 1830? A I don't know that.

Q Did they claim any land or benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

Q How old is your father now? A Sixty nine I believe. (Father interrupts and says sixty five.)

Q He was born where? A In Missouri. (Father suggest: "Tennessee.")

Q When did his mother die? A It has been about fifteen years ago.

Q How old was she when she died? A I don't know.

Q He claims through his mother, don't he? A Yes sir.

Q Do you know whether she was born in Mississippi or not? A No.

Q Do you know whether her father lived in Mississippi or not- this Nathaniel Payne? A I have been told he did; I don't know.

Q Did he have a family there at that time- do you know? A No.

Q You don't know when he died? A No.

Q Or how old he was when he died? A No sir.

According to the provisions of article fourteen of the treaty of 1830 the United States Indian Agent, who lived in Mississippi at that time was required by the United States Government to make a list of the names of Choctaw claimants who claimed rights under article fourteen of the Treaty of Dancing Rabbit Creek. Col. Ward, the Indian agent, neglected to record the names of a great many Choctaw Indians who went before him within six months after the ratification of the treaty of 1830 and declared their intention to remain and become citizens of the States. As a result of this neglect on the part of Col. Ward a great many Choctaw Indians lost their land in Mississippi; this loss of the land and the injustice that followed the neglect of the Indian agent caused so many complaints to be made that Congress appointed a Commission by the Act of March 3, 1837 which Commission went to Mississippi and made a list of the Choctaws whose claims were approved before that Commission. In 1842 another Commission was appointed by Congress for the same purpose.

Q Did any of your Choctaw ancestors appear before either of these Commissions and claim benefits or rights under article fourteen of the treaty of 1830? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had proved his rights before that Commission and if it appeared that his land had been taken from him that he should be entitled to select land in either Louisiana, Alabama, Arkansas or Mississippi, to be taken from vacant Government land and that a certificate should be issued to him to that effect; these certificates were called scrip.

Q Did any of your ancestors, to your knowledge, appear before this Commission of 1842 and receive scrip from the Government? A No sir.

Q Have you any documentary evidence of any kind that you would like to introduce before the Commission? A No sir.

Q Would like reasonable time to do so? A No--well, yes sir.

Reasonable time will be allowed this applicant in which to fur-

with documentary evidence in support of this claim; also proof of the marriage of his father and mother and any other proper evidence

Q You don't speak or understand that Choctaw language? A No sir.

Q Is there anything else you want to say? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark eyes, dark complexion dark hair; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 3, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 26 day of October, 1901.

Clara Mitchell Wood
Notary Public.

COPY.

M.C.R. 3666

Muskogee, Indian Territory, July 12, 1902.

Andrew B. Camden,
Rogers, Arkansas.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathaniel P. Gotcher, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathaniel P. Gotcher,	M.C.R. 3661
Leroy B. Camden,	M.C.R. 3662
Harriet Alexander, et al.,	M.C.R. 3664
John M. Camden,	M.C.R. 3660
Mary Camden,	M.C.R. 3665
Andrew B. Camden,	M.C.R. 3666
Eva Mathews, et al.,	M.C.R. 3604
Effie Myler, et al.,	M.C.R. 3667
J. H. Camden, et al.,	M.C.R. 4364

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

A B C -----2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nathaniel P. Gatcher, Leroy B. Camden, Harriet Alexander, Guilford Alexander, George Alexander, Harriet Alexander (2), Hester Alexander, John B. Camden, Mary Camden, Andrew B. Camden, Eva Mathews, Polly Mathews, Fern Mathews, Effie Myler, Ethel Myler, J. N. Camden and Georgia H. Camden, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Registered.

Fame Bixby.
Acting Chairman.

K.C.R. 3666.

Muskogee, Indian Territory, October 8, 1902.

Andrew B. Carden,
Rogers, Arkansas.

Dear Sir:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nathaniel P. Gotcher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

Acting Chairman.

No. 3666

For Identification as a Mississippi Choctaw.

Date OCT - 5 1901

Name *Andrew B. Camden*

Age *24*

Blood *1/6*

Post Office, *Rogers, Arkansas.*

Father: *Leroy B. Camden, I*

Mother: *Dirinda " I*

Claims through *father*

~~Chickasaw~~

*Claims for
any blood*

Stenographer *H. S. Harris*

a part of Com-
plete Record
of

A. B. Camden

Memo. 50

Letter. 7/12/02. 80

" 10/8/02 - 40

Text. 10/3/01 200

Choctaw MCR 3667

Effie Myler

See MCR 3661

MCR 3667

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 3, 1901.

3667

In the matter of the application of Effie Myler for the identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by attorney.

Effie Myler being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Effie Myler; E-f-f-i-e M-y-l-e-r.
Q What is your age? A Eighteen.
Q What is your post office address? A Rogers, Arkansas.
Q How long have you lived at Rogers? A All my life.
Q Were you born there? A Yes.
Q What is your father's name? A Leroy B. Camden.
Q He appeared before the Commission for identification today, October 3? A Yes.
Q He is therefore, living? A Yes.
Q What is your mother's name? A Dirinda Camden.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A I don't know.
Q Well, he claimed about an eighth; now, your brother and sister claim a sixteenth; you claim whatever you think you know; if you don't know, of course you can say so. (No answer.)
Q But you knew you have some Choctaw blood? A Yes.
Q You are part Indian? A I won't say I am full-blood; I won't say I am much.
Q Are you married? A Yes.
Q What is your husband's name? A John Myler.
Q Is he an Indian? A No sir; an Irishman.
Q White man? A Yes.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities; that is, has he ever been in the Territory and become a citizen of the Choctaw Nation? A No sir.
Q Make any claim for your husband? A No sir.
Q How many children have you you want to claim for? A Just one.
Q What is the name? A Ethel Myler.
Q How old? A One year old the 5th last June.
Q John Myler is the father of this child? A Yes sir.
Q When and where were you married to your husband? A Benton County, Arkansas.
Q When were you married? A July 23, 1899.
Q Were you married by a minister and under a license? A Yes sir.
Q Do you know when and where your father and mother were married? A No sir.
Q Think you can produce evidence of that marriage, if given time? A Yes sir.
Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for the enrollment of yourself or child as Choctaw citizens to the Choctaw tribal authorities? A No sir.

Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No sir.

Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.

Q Did you ever before this time make application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.

Q You now came before the Commission for the purpose of being identified as a Mississippi Choctaw and for the purpose of identifying this child of yours as a Mississippi Choctaw under article fourteen of the treaty of 1830? A (No answer.)

Q You know what a treaty is? A No sir.

Q Do you know what a contract in writing is? A Yes sir.

Q Well, a treaty is the same thing; that is in general form, accomplishing the same thing; it is an agreement or compact between Nations in writing signed by representatives of both nations who are appointed by these Nations to sign for these Nations. It is the same as a contract or agreement on the part of each Nation to do certain things in consideration that the other will do certain things also. A treaty was made between the United States and the Choctaws at Dancing Rabbit Creek in Mississippi in 1830. The object of that treaty was the removal of all the Choctaw Indians who lived in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians wouldn't go to the Indian Territory, and in order that their rights might be protected article fourteen was put into the treaty: an article in a treaty is one of the subdivisions of a treaty, a part of it, and they are numbered from one up, and there are also sometimes supplements which are also subdivided into articles. Article fourteen of the treaty of 1830 reads: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity"

Q Do you claim under this article? A Yes.

Q You think you understand that now? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with these provisions of article fourteen of the treaty of 1830? A No sir.

Q What was the name of your ancestor who lived in Mississippi in 1830 and was a recognized member of the Choctaw tribe of Indians at that time? A I don't know.

Q Q Don't you know this name of the ancestor through whom you claim? A Payne.

- Q What was his first name? A I don't remember.
- Q What kin was this Payne to you? A (No answer.)
- Q You claim through-- A Father.
- Q He claims through whom, your father or mother? A I think it was his mother.
- Q What was her name? A I don't know.
- Q Well, your father in his testimony says that her name was Odelia.
- A I don't remember it.
- Q Well, that is your grandmother; she claims through which parent-- father or mother? A I don't know.
- Q What was her maiden name-- before she was married? A I don't know.
- Q Do you know what her father's name was? A No sir.
- Q You are not able to tell the name of the ancestor through whom you all claim any further than Payne? A No sir.
- Q Did you hear your sisters and brother testify? A Yes sir.
- Q Did you hear them claim under Nathaniel Payne or don't you know?
- A Yes sir, I do; claim under him.
- Q But you don't know much about it? A No sir. I was little and don't know.
- Q Have not heard much about it? A No sir.
- Q Did any of your Choctaw ancestors claim land or improvements on land in Mississippi in 1830? A No sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek tell the United States Indian agent that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them ever claim or receive land or other benefits under any other article of the treaty of 1830 than article fourteen, or under the Supplement to that treaty? A No sir.
- Q How old is your father? A He is sixty four--ain't you? (Father says "sixty five.")
- Q Where was he born? A In---I don't know.
- Q Do you know where his mother was born? A In Missouri.
- Q Do you know she was? A Yes sir; in Missouri. I don't know what part of Missouri.
- Q Do you know if she ever lived in Mississippi? A No sir.
- Q You don't know when your grandfather, Nathaniel Payne, died? A No sir.
- Q--or where he died? A No sir.
- Q--or how old he was when he died? A No sir.
- Q Do you know whether he ever lived in Mississippi? A No sir.
- Q Are you related to Nathaniel P. Gotcher? A Yes sir.
- Q Second cousin? A Yes sir.
- Q Your father is Leroy B. Camden? A Yes.
- Q Are you related to Harriet Alexander? A Yes sir; sister.
- Q Mary Camden? A Sister.
- Q Andrew V. Camden? A Brother.
- Q All these have appeared for identification as Mississippi Choctaws, before the Commission here at Atoka, today, October 3,? Yes sir.
- Q You want to have their testimony considered with yours when yours is taken up for consideration by the Commission? A Yes.

The United States Government directed the United States Indian Agent, Col. Ward, to make a list of the Choctaws who came before him and declared their intention to take land in Mississippi and become citizens of the United States within six months after the ratification

of the treaty of 1830. This the United States Indian agent failed to do so his list, known as Ward's Register, contains very few of all the Choctaws who came before him within six months after that treaty was ratified and claimed under the fourteenth article. This neglect on the part of the United States Indian agent caused a great many Indians who held land in Mississippi to lose that land, and on account of numerous complaints made by the Indians Congress in 1837 by Act of Congress of March 3, 1837, appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of their names. In 1842 another Commission was appointed by Congress for the same purpose.

Q Did any of your ancestors appear before either of these Commissions, that appointed under act approved March 3, 1837, or under the Commission appointed by Act of Congress approved August 23, 1842, and claim benefits under article fourteen of the treaty of 1830? A I don't know.

The Act of Congress approved March 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the treaty of Dancing Rabbit Creek but that his land had been taken from him that he should receive land in Mississippi, Alabama, Louisiana or Arkansas and that certificates to that effect should be issued. A Yes.

Q These certificates were called scrip. Do you know if any of your ancestors received such scrip from the Government? A No sir.

Q Have you any papers, any documentary evidence of any kind you want to file in support of your application for yourself and child? A No sir.

Q Anything you want to say about your case? A No sir.

Q Do you converse in the Choctaw language? A No sir.

Q Do you understand that language? A No sir.

Q Can you count? A No sir.

Q Never associate with the Indians? A No sir.

A reasonable time is allowed this applicant in which to file documentary evidence in support of her application and the application she makes for her child; also to file proof of the marriage of her father and mother.

This applicant has the appearance and general characteristics of being descended from white parentage; has dark eyes, dark hair and dark complexion; she does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Gains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 3, 1901, and that the above and foregoing is a full, true and correct transcript of

his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 4 day of October, 1901.

Charles H. Sawyer

Notary Public.

COPY.

E.C.R. 5667

Muskogee, Indian Territory, July 12, 1902.

Effie Myler,

Bogers, Arkansas.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathaniel P. Gotcher, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathaniel P. Gotcher,	E.C.R. 5661
Leroy B. Gauden,	E.C.R. 5662
Harriet Alexander, et al.,	E.C.R. 5664
John W. Gauden,	E.C.R. 5666
Mary Gauden,	E.C.R. 5668
Andrew B. Gauden,	E.C.R. 5666
Eva Mathews, et al.,	E.C.R. 5664
Effie Myler, et al.,	E.C.R. 5667
J. W. Gauden, et al.,	E.C.R. 4364

These applications were made under the provisions of the act of Congress of June 20, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under articles 1 and 2 of the Treaty between the United States and the Choctaw Nation, signed at Washington, twenty-seventh, eighth, ninth and tenth months, and year one thousand eight hundred and twenty, and to perform all other acts necessary therefor, and make report to the Secretary of the Interior."

H M -----2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nathaniel P. Getcher, Leroy B. Camden, Harriet Alexander, Guilford Alexander, George Alexander, Harriet Alexander (2), Mes-ther Alexander, John W. Camden, Mary Camden, Andrew B. Camden, Eva Mathews, Polly Mathews, Fern Mathews, Effie Myler, Ethel Myler, J. N. Camden and Georgia H. Camden, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

W. H. H. H.

Registered.

W. H. H. H.

Acting Chairman.

Y.C.R. 3667.

Muskogee, Indian Territory, October 8, 1902.

Effie Myler,

Rogers, Arkansas.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nathaniel P. Gocher, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

No. 3667

For Identification as a Mississippi Choctaw

Date OCT -3 1901

Name Effie Myler

Age 18 Blood don't know

Post Office, Rogers, Ark.

Father: Leroy B. Camden, l.

Mother: Birinda, " l.

Claims through father
~~Husband~~ John Myler, w.
~~By~~ No claim for
husband

Children:

Ethel Myler, 1

Claims for self
✓ Child

Stenographer H. G. Harris

Choctaw MCR 3668

Sarah J. Chambers

See MCR 203

MCR 3668

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, October 1, 1901.

In the matter of the application of Sarah J. Chambers for the identification of herself and one minor child as Mississippi Choctaws.

Sarah J. Chambers, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sarah J. Chambers.
Q How old are you? A Twenty seven.
Q What is your post office address? A Birmingham, Alabama; the mail is delivered - 2500 Avenue G., South.
Q How long have you lived in Birmingham? A Twenty one years, I believe.
Q Where did you live before that? A Plantersville.
Q In what county and state? A I have forgot what county it was - Chilton County.
Q How long did you live at Plantersville? A Little over five years.
Q You were born, then, in Chilton County, Alabama, and lived there until you went to Birmingham? A Yes sir.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q Is your father living? A No sir.
Q What was his name? A John G. Hayes.
Q Did John G. Hayes have any Choctaw blood? A No sir, not that I know of.
Q Is your mother living? A Yes sir.
Q What is her name? A Emily A. Hayes.
Q Has she any Choctaw blood? A Yes sir.
Q How much? A She has one-eighth.
Q You get your Choctaw blood then solely through your mother?
A Yes sir.
Q Has your mother any other Indian blood except Choctaw blood?
A No sir.
Q She is a mixture between white and Choctaw? A Yes sir.
Q And your father was a white man? A Yes sir.
Q How long before your birth, did your mother live in Chilton County, Alabama? A I have never heard her speak of living anywhere else.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities?
A No sir.
Q And your mother never lived out in Indian Territory? A No sir.
Q And she never lived in Mississippi? A No sir.
Q Now, through which one of her parents did your mother derive her Choctaw blood? A Through her father; then he derived his through his mother.
Q What is your mother's father living? A No sir.
Q What was his name? A James Martin.
Q Did you ever see James Martin? A Yes sir, but I was very small.

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- Q Where did he live? A Lived in Chilton County.
- Q Do you know whether he lived there all his life or not? A I think he did.
- Q How old would James Martin be if he was living now? A He would be about seventy five or eighty years old, I guess.
- Q What was the name of your mother's mother? A Eliza Martin.
- Q She had no Indian blood whatever? A No sir, not that I know of.
- Q Now, you have testified that your mother's father got his Indian blood through his mother; what was his mother's name? A Martha Martin
- Q What was her maiden name? A Moore.
- Q Did you ever see Martha Moore? A No sir.
- Q How long has she been dead? A I don't have any idea; I don't know. Mama just remembers her; of course, I don't know anything about her.
- Q Do you know where she lived during her life time? A No sir.
- Q Did you ever hear of her living in Indian Territory? A No sir.
- Q Or in Mississippi? A No sir, I think - I don't know though.
- Q Do you know the name of her husband? A Of whose husband?
- Q Martha Moore? A Robert Martin.
- Q Was she ever married more than once? A No sir, not that I know of.
- Q You know nothing whatever of your family back that far, except what your mother has told you? A No sir.
- Q Your mother is the same Emily A. Hayes who appeared before the Commission here this morning? A Yes sir.
- Q Now, do you know the name of Martha Moore's father, or her mother?
- A No sir.
- Q Do you know anyone who does know? A No sir.
- Q How much Choctaw blood do you claim that Martha Moore had? A Half.
- Q Do you know whether she spoke or understood the Choctaw language?
- A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Has he any Choctaw blood? A No sir.
- Q He is a white man? A Yes sir.
- Q How many children have you? A One.
- Q What is the name of your child? A Lila May.
- Q How old is she? A Two years old.
- Q What is the name of the father of this child? A Andrew Chambers.
- Q Have you ever been married more than once? A No sir.
- Q You make no claim for your husband? A No sir.
- Q As your husband has no Choctaw blood? A No sir.
- Q This application is for yourself and one minor child? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir, I don't guess it is.
- Q Did you, or any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court for Indian Territory? A No sir.

Sarah J. Chambers, et al., 3.

Q Have you ever made any application before to-day to either the Choctaw tribal authorities or the United States authorities for yourself or this child to be admitted or enrolled as members of the Choctaw tribe? A No sir.

Q Do you appear before this Commission at this time for the purpose of making application for the identification of yourself and minor child as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of the article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the twenty seventh day of September, eighteen hundred and thirty, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaw Indians lived here in Mississippi and over in the western edge of Alabama, and the object of the treaty was to secure the removal of these Indians from this country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians. At the time the treaty was made, some of these Indians were unwilling to consent to their being removed to this new country and insisted that provision be made in the treaty whereby they might be permitted to remain here, and for the benefit of those people who preferred to stay here east of the Mississippi, on what constituted their old reservation, what is known as the fourteenth article of the treaty was inserted. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article clearly now?

A Yes sir.

Sarah J. Chambers, et al., 4.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.

Q You don't know whether they did or not? A No sir.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek was made? A I don't know.

Q Do you know whether any of your Choctaw ancestors own an improvement in the old Choctaw Nation at that time? A I don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at the time this treaty was made? A I don't know.

Q Did any of your Choctaw ancestors, within six months after this treaty of Dancing Rabbit Creek was ratified, signify to the agent of the Government here in Mississippi their intention to remain and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Do you know whether any of your Choctaw ancestors ever lived in Indian Territory? A No sir, I don't know.

Q So far as you know, none of them ever did? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A I never heard of any.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government of the United States under the provisions of any other article of that treaty or under the supplement to that treaty?

A Not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register and report to the Government the names of such Choctaws as might desire to remain here and become citizens of the States under this fourteenth article. The records of the Government show that this agent failed, in many instances, to record and report to the Government the names of Indians who did in fact signify to him their intention to remain and become citizens of the States. On this account, in a great many instances, the land upon which Indians owned improvements, and which they supposed they would receive from the Government under this fourteenth article, was sold by the Government at its public land sales here in Mississippi. This caused a great deal of complaint among the Indians, their land being sold, and their being dispossessed in consequence thereof, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, eighteen hundred and thirty seven, providing for

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the appointment of a Commission, whose duty it should be to come down here to Mississippi and hear the cases of Choctaw Indians, who claimed that they had complied, in all respects, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that they had been denied any benefits thereunder. These commissioners were duly appointed by the President, and by another Act of Congress, approved on the 22nd day of February, eighteen hundred and thirty eight, they were continued until the first day of August, 1838; they heard a comparatively small number of these Choctaw cases on account of the short time allowed them in which to dispose of the cases, and later and on the twenty third day of August, eighteen hundred and forty two, another Act of Congress was approved, providing for the appointment of another commission, whose duty it should be to come down here and finish up this work of hearing the Choctaw cases. This second commission was duly appointed by the President and the commissioners came down here to Mississippi and disposed of a great many more of these cases.

Q Did any of your Choctaw ancestors appear before either one of these commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A None that I know.

The Act of Congress approved August twenty third, eighteen hundred and forty two, provided that in case it should be finally determined that a Choctaw Indian had complied, in all respects, with the provisions of article fourteen of the treaty of eighteen hundred and thirty, but that his land had been sold by the Government, he should have the right to select land elsewhere in Mississippi, or in Alabama or Louisiana or Arkansas, from vacant Government land, in lieu of this land that had been sold, and that he should be given a certificate to that effect - that would give him the right to select land elsewhere; these certificates were known as scrip.

Q Did any of your ancestors ever receive any scrip under this Act of August twenty third, eighteen hundred and forty two? A None that I know of.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A None that I know of.

Q Have you any witnesses before the Commission to-day whom you desire to introduce in support of your application? A Yes sir.

Q What are their names? A I can't think of their names -- Mr. and Mrs. Ousley. The same witnesses referred to by my mother in her testimony.

Q Are those the only witnesses you have here? A There were some more to come to-day, but I don't know whether they come or not.

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Q Who are the others? A I don't know their names, but I heard mama say they were coming.

Q What do you expect to prove by Mr. and Mrs. Ousley? A To prove the Indian blood.

Q Is that all? A They knew our grand parents and great grand parents, and knew the family.

Q You simply expect to give their testimony in support of yours as to your ancestry? A Yes sir.

Q Do they know anything about whether your ancestors ever complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know; they say they do.

Q Do you know of any other persons who would likely be informed on this subject? A I don't know.

Q You don't know of anyone else? A No sir.

Q Have you any written evidence of any kind you desire to offer at this time? A No sir.

Q Do you know of the existence of any written evidence, showing that your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you desire to offer written evidence in support of your application at a later date? A Yes sir.

You will be given a reasonable time in which to offer written evidence in support of your application/ The Commission would be glad, however, to have you offer this evidence in thirty days, if possible.

If you should see fit to bring or send any other witnesses before the Commission in support of your application, they may appear before us at Meridian, Mississippi, at any time prior to the tenth day of this month, and their testimony will be heard; after that time, they may appear at Atoka, Indian Territory. If you see fit to have them appear there their testimony will be heard.

Q Have you any brothers or sisters living? A Yes sir.

Q How many brothers? A Three brothers and two sisters.

Q Have you any deceased brothers? A Yes sir.

Q How many? A Three brothers and one sister.

Q Were any of them grown at the time of their death? A No sir.

Q What is the name of your oldest brother? A William Eaves.

Q Is he married? A Yes sir.

Q What is his wife's name? A Elizabeth.

Q Where does he live? A Selma, Alabama.

Q Has his wife any Choctaw blood? A Yes sir; she claims the same he has; they were cousins.

Q What was her name before they married? A Elizabeth Hooks. They were sisters children.

Q Have they any children? A Two.

Q What are their names? A I have forgotten - Mary Lou, and the little boy is Pierson.

Q Has this man been before the Commission? A Yes sir.

Q Do you know when he was here? A Last week.

Q What is the name of the next brother? A Jesse Eaves.

Q About how old is he? A About twenty five.

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- Q Is he married? A Yes sir.
- Q What is his wife's name? A Ida.
- Q Has she any Choctaw blood? A No sir.
- Q Where do they live? A Birmingham.
- Q Have they any children? A Two.
- Q What are their names? A Willie and Ola May.
- Q Is that oldest a boy? A Yes sir.
- Q About how old is your youngest brother? A About twenty one, I think.
- Q Has this brother Jesse been before the Commission? A No sir.
- Now, wait, my oldest brother is about thirty two.
- Q What is the name of the next brother? A Martin; he is a minor.
- Q About how old is he? A Seventeen.
- Q He lives with your mother? A Yes sir.
- Q Where? A Birmingham, Alabama.
- Q What is the name of your oldest sister? A Mary Tate.
- Q Where does Mary Tate live? A Three miles from Birmingham.
- Q Has she been before the Commission? A No sir.
- Q What is her husband's name? A Green Tate.
- Q Is he living? A Yes sir.
- Q Has he any Choctaw blood? A No sir.
- Q Have they any children? A One.
- Q What is its name? A Aubrey Tate.
- Q How old is this sister? A About thirty five.
- Q Now, what is the name of your other sister? A Eliza Perkerson.
- Q How old is she? A Twenty two.
- Q Where does she live? A Birmingham.
- Q Is her husband living? A Yes sir.
- Q What is his name? A Luther Perkerson.
- Q Has he any Choctaw blood? A No sir.
- Q Have either of these sisters been before the Commission? A No sir.
- Q You have named your whole family now have you? A Yes sir.
- Q Are there any other statements you desire to make at this time in support of your application? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Has your mother any brothers living? A Yes sir.
- Q How many? A One.
- Q What is his name? A David Martin.
- Q Where does he live? A Plantersville, Alabama.
- Q About how old is David Martin? A He is about forty, I think.
- Q Is he married? A Yes sir.
- Q Is his wife living? A Yes sir.
- Q What is her name? A Emma.
- Q Has she any Choctaw blood? A No sir.
- Q Have they any Children? A Two.
- Q What are their names? A Arthur is the oldest and Evie the youngest.
- Q Has David Martin been before this Commission? A I think he has.
- Q Do you know when? A No sir. I don't know whether it was here or somewhere else; I think it was here though.
- Q Has your mother any sisters living? A Yes sir.
- Q How many? A I don't know but two that's living.
- Q What are their names? A Martha Wright and Missouri Campbell.
- Q Where does Martha Wright live? A Near Marion, I think.
- Q Marion, Alabama? A I don't know positively.
- Q Where does Missouri Campbell live? A Near Marion.
- Q Do you know the names of the members of their families? A Yes sir.

Sarah J. Chambers, et al., &

Q Name the children of Missouri Campbell? A I don't know whether I can name them all or not. If it is not necessary, I would rather not, because I don't know them as I come to them; I have lived around them.

Q Can you name the children of Martha Wright, all of them? A No sir.

(This applicant has the appearance and characteristics of a white persons; she shows no indication of being possessed of Indian blood, and does not speak or understand the Choctaw language.)

R.S.Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the first day of October, nineteen hundred and one, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this fifth day of October, 1901.

[Signature]

Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Sarah J. Chambers,

Birmingham, Ala.

2500, Ave. G. So.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Address More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Fannie Dixby.

(SIGNED).

Registered.

Acting Chairman.

M.C.R. 3668.

Muskogee, Indian Territory, November 12, 1902.

Sarah J. Chambers,

#2500 Ave. G. South,

Birmingham, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippet, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

Wm. H. H. H.
Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Sarah J. Chambers,
2500 Ave. G. South,
Birmingham, Alabama.

Dear Madam:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippet, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MOR-3668

Muskogee, Indian Territory, January 17, 1907.

Sarah J. Chambers,
2500 Ave. G. South,
Birmingham, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and child is a part.

Respectfully,

SIGNED *Wams Bixby.*

Commissioner.

No. 8668
For Identification as a Mississippi Choctaw

Date OCT 1 1901
Name Sarah J. Chambers

Age 27 Blood 1/16

Post Office, Birmingham Ala.
2500 Ave. G. South

Father: John T. Eaves

Mother: Emily A. "

Claims through mother

Husband Andrew Chambers.
no claim for husband.

Children:

Lilla May Chambers 2.

(Claims for self and one
minor child.)

Stenographer

R. S. Streit

Choctaw MCR 3669

Emily A. Eaves

See MCR 203

MCR 3669

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 1, 1901.

In the matter of the application of Emily A. Hayes for the identification of herself and one minor child as Mississippi Choctaws.

Emily A. Hayes, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Emily A. Hayes.
- Q How old are you? A Fifty six.
- Q What is your post office address? A Birmingham, Alabama, Avenue I, No. 2425.
- Q How much Choctaw blood do you claim to have? A One eighth.
- Q How long have you lived in Birmingham? A Nearly twenty two years.
- Q Where did you live prior to your removal to Birmingham? A In the country, a little station Plantersville in Chilton county, Alabama.
- Q How long did you live there? A I lived there from my birth until I went to Birmingham twenty two years ago, that would be about thirty four years. My father--my parents lived there.
- Q Is your father living? A No sir.
- Q What was his name? A James M. Martin.
- Q How old would your father be if he were living now? A I think he would be somewhere between eighty two and eighty four, and I don't exactly remember his age.
- Q Is your mother living? A No sir.
- Q What was her name? A Eliza.
- Q How old would she be if she were living now? A About eighty or eighty one; I remember she was three years younger than my father.
- Q When did your father die? A He has been dead twenty two years last February.
- Q When did your mother die? A Thirteen years last June.
- Q Through which one of your parents do you derive your Choctaw blood? A Father.
- Q Where did your father die? A He died there near Plantersville.
- Q How long did he live in that vicinity? A I know he lived there ever since he was married, and I think from a boy.
- Q Do you know where your father was born? A No sir.
- Q Do you know that he ever lived in any place except there in Chilton county, Alabama? A I know he lived there when he was a boy--on that country. To the best of my recollection he said he moved there when quite a boy.
- Q Have you any idea where he lived before that? A No sir.
- Q He never lived in the state of Mississippi that you know of? A No, I don't know.
- Q Did he ever live in Indian Territory? A Not that I know of.
- Q Do you know whether he was ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir, I don't know; he never was, I am satisfied, that is my recollection.
- Q Were your father and mother legally married? A Yes sir.
- Q Where did they marry? A They married there in that vicinity, near

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Plantersville; my parents both lived there.

Q When did they marry? A I couldn't tell you the date, I know it was more than sixty years ago.

Q Do you know who performed the marriage ceremony? A No sir, I do not.

Q Do you know whether they were married under a license? A I couldn't know anything about that.

Q You couldn't know of your own personal knowledge of course? A Well they claimed to be and I suppose they were.

Q You never saw their marriage license and certificate, did you? A No sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your father and mother. We would be glad to have you furnish this evidence within a period of thirty days from this date if you can do so. You might get either their marriage license and certificate or a certified copy of it, as that would of course be the best evidence of their marriage. If you cannot get the original marriage license and certificate or certified copy of it, then you are at liberty to submit such other proper evidence of their marriage as you may see fit.

Q Did your mother have any Indian blood whatever? A Not that I know of.

Q And your father had no Indian blood except Choctaw blood? A No sir.

Q According to your statement he was one quarter Choctaw? A Yes sir.

Q Through which one of his parents did your father derive his Choctaw blood? A His mother.

Q What was her name? A Martha Martin.

Q What was her maiden name? A Moore.

Q Martha Moore? A Yes sir.

Q What was the name of your father's father? A Robert Martin.

Q Did he have any Indian blood? A No, not that I know of.

Q He was a white man, was he? A Yes sir.

Q How much Choctaw blood do you claim that Martha Martin possessed? A One half.

Q Did you ever see Martha Martin? A Yes sir.

Q How old were you when you saw her? A I don't think I was more than ten or twelve years old.

Q Do you remember her? A Yes, I just can remember her.

Q Do you remember her personal appearance? A No sir, I couldn't describe her appearance, it has been so long.

Q Where did you see her? A At her home and at my father's home when I was a child. We lived right near them.

Q How long has she been dead? A I couldn't tell you; she has been dead though, I expect-- she has been dead forty years odd.

Q Did she die before the civil war? A Yes sir.

Q You have no idea how long before that? A No sir.

Q Where did she die? A Right in that vicinity; she died at one of my uncles.

Q About how old was she when she died? A I don't remember.

Q Was she a very old woman? A I know--I remember, I think she was old, looked old. I suppose she died somewhere in the forties, from the age as I remember it, being a child.

Q When you knew her she lived there near Plantersville, Alabama? A Yes sir.

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- Q Where did she live before she went there? A I do not know.
- Q You knew nothing whatever of her residence prior to her removal to Plantersville? A No sir.
- Q According to your statement she moved there when your father was a very small boy? A Yes sir, that is my recollection of hearing them speak about it.
- Q Do you know whether your father's mother spoke or understood the Choctaw language? A No sir, I do not know.
- Q Do you know any one living who would be likely to be informed as to her residence prior to her removal to Plantersville, Alabama? A I think that I could.
- Q Who do you know that ~~you~~ would likely know about that? A I have an uncle and an aunt on my mother's side that would know.
- Q Your mother's brother and sister? A Yes sir.
- Q Where do they live? A One of them lives in Selma, that is my aunt.
- Q What is her name? A Elizabeth Benjamin.
- Q About how old is she? A I think she is up in the seventies somewhere.
- Q What is your uncle's name? A Vincent Pearson.
- Q Where does he live? A He lives out near what they call Perryville about twenty miles from Selma.
- Q Perryville, Alabama? A I think that is his post office.
- Q How does his name come to be Pearson? A He is my mother's brother.
- Q Her name was Moore? A That was my grandmother, but my mother's maiden name was Pearson. I think there are some witnesses living here in town that would be able to testify on this point.
- Q What are their names? A Ousley.
- Q What is the full name? A Tom Ousley.
- Q What is the other? A I don't know his wife's name.
- Q These are the only two witnesses that you know of that would be able to testify on these points? A Yes sir.
- Q Through which one of her parents did Martha Martin get her Indian blood? A I think her mother.
- Q According to your statement the mother of Martha Martin must have been a full blood Choctaw Indian? A Yes sir.
- Q Do you know the name of Martha Martin's mother? A No sir.
- Q Or Martha Martin's father? A No sir.
- Q Do you know where they lived during their lifetime? A No sir, I do not.
- Q You know nothing whatever of Martha Martin's parents? A No sir, I do not.
- Q Do you know any one living who does not anything about them? A I don't know sir whether those witnesses do or not; I couldn't tell you.
- Q Are you married? A I am a widow, I have been married.
- Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A I have only one.
- Q What is the name of that child? A Marvin Hayes.
- Q How old is Marvin Hayes? A Seventeen.
- Q Is he living with you at this time? A Yes sir.
- Q What is the name of his father? A John Hayes.
- Q How long has John Hayes been dead? A Thirteen years.
- Q Did he have any Choctaw blood? A Not that I knew of.
- Q Did he have any Indian blood of any kind? A Not that I know of.
- Q He was a white man? A Yes sir.

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Q This application then is for the identification of yourself and one minor child as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Is your name or the name of your minor child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir, I guess not.

Q You never made any effort to have these names placed upon the rolls out there, did you? A No sir.

Q You never made any application of any description to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as Members of that Tribe? A No sir.

Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and this minor child under the Act of Congress of June 10th, 1896? A No sir.

Q Have you or this minor child ever been admitted to citizenship in the Choctaw Nation in Indian Territory by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made any application of any description prior to today to either the Choctaw Tribal authorities or the United States authorities for yourself or this minor child to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No sir.

Q You have stated that you make application for the identification of yourself and your minor son as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek--do you understand that 14th article? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in the State of Mississippi on the 27th day of September 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of Alabama, along the western boundary of that State. The object of that treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a portion of which is now occupied by the main body of the Choctaw Tribe. At the time the treaty was made some of the Indians were unwilling to remove from this country to the new country west of the Mississippi River and insisted that provision be made whereby they might be permitted to remain here and not go west. For the benefit of those Indians desiring to remain here the 14th article was inserted into the treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and

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a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think now that you understand the provisions of that fourteenth article? A Yes sir, I think I do down to the last.

Q That clause which refers to "persons who claim under this article"

A Yes sir, about their removal.

That last clause read: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is, those Choctaws who were living here when the treaty was made in 1830 and elected to remain in Mississippi and not remove out west to the new country, should not by reason of their remaining here and taking advantage of the provisions of article fourteen of the treaty lose the privilege of a Choctaw citizen, but if they ever decided to move out to the new country, they should not be entitled to any portion of the Choctaw annuity--The Choctaw annuities are annual payments made to the citizens of the Choctaw Nation under treaty provisions.

Q Do you think that is clear to you now? A Yes sir.

Q Did any of your ancestors so far as you know ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Not that I know of.

Q Did any of your Choctaw ancestors own any improvements here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between 1833 and 1838? A I don't know sir.

Q Were any of your Choctaw ancestors ever in the Indian Territory? A Not that I know of.

Q Did any of your Choctaw ancestors within six months from the date the treaty of Dancing Rabbit Creek was ratified, February 24, 1831, signify to the agent of the government here in Mississippi at that time their intention to remain and become citizens of the states as provided in that fourteenth article? A I don't know sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

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Q Did any of your Choctaw ancestors ever receive any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement of that treaty?

A Not that I know of.

Q So far as you know none of your Choctaw ancestors ever received any land whatever in the old Choctaw Nation in Mississippi and Alabama under the provisions of the treaty of Dancing Rabbit Creek?

A No sir.

Q So far as you know did any of your ancestors ever receive any benefits of any kind from the government of the United States as Choctaw Indians? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent here in Mississippi to register the names of those Choctaw Indians who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the states and take advantage of the provisions of that fourteenth article. On this account in many instances the land on which Indians had improvements and which they desired to have reserved for them under the said fourteenth article, was sold by the government at its public land sales, and the Choctaws were deprived of their land. This action of the government caused many complaints by the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases in which Choctaws might claim that they had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but had not received any benefits thereunder. By the act of Congress of February 22, 1833, this Commission was continued until August 1, 1838. This Commission was duly appointed by the President and the Commissioners came down here in Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the acts of Congress under which they were appointed they were unable to dispose of but a comparatively small number of cases. Prior to the first day of August, 1838, the Commission made a report of their work down here in Mississippi. Later, Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission whose duty it was to come down here and finish up the work of hearing these Choctaw cases. This second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Do you know whether any of your ancestors appeared before either one of these Commissions and attempted to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A If they did, I don't know it.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land has been sold by the government, he should be entitled to select land else-

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where in Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Have you ever heard of that scrip? A Yes sir, I heard of scrip but not in this affair.

Q Do you know whether any of your ancestors ever received any scrip from the government of the United States under this act of Congress?

A No sir, if they did, I don't know it.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.

Q Have you any witnesses before the Commission today whom you desire to introduce in support of your application? A Yes, I will have.

Q What are the names of those witnesses? A Mr Thomas Ousley and his wife.

Q Is that all? A Yes sir, that is all I know of.

Q What do you expect to prove by these people? A I expect to prove my parents and what was their records that is what they prove farther back than I do.

Q You want them to support your testimony as to your ancestry and you think they would be able to go farther back than you? A Yes sir.

Q Do you know of any other witnesses who would be able to support your testimony as to your ancestors and the amount of Choctaw blood possessed by you? A Not that are here.

Q I believe that you stated that you had an uncle and aunt that you thought could tell about that? A Yes sir.

Q Do these witnesses who are here today or any others that you know of know either any of your ancestors ever complied or attempted to comply with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.

Q You don't know whether they would be able to testify on that point or not? A Do you mean whether they ever made any application for it?

Q You remember I read to you the fourteenth article--Do any of these people know whether any of your ancestors complied with that article? A I don't know whether they do or not.

Q Have you any written evidence of any description that you desire to offer at this time in support of your application? A No sir.

Q Do you know of the existence of any written evidence of any description showing that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you desire to offer written evidence in support of your application at a later date? A I may desire to offer further evidence.

You will be allowed a reasonable time in which to offer proper written evidence in support of your application. We would be glad to have you offer the evidence within a period of thirty days from this date if it is convenient for you to do so. If you desire to offer the oral testimony of witnesses other than those you have here today, you may bring them before the Commission at Meridian Mississippi at any time prior to the tenth of this month, and their testimony will be taken in support of your application. After that time, the witnesses may appear before the Commission at its office in Atoka, Indian Territory.

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and their testimony will be taken.

- Q Did you ever hear of any deed or patent issued to any of your ancestors for land here in Mississippi by the government of the United States? A No sir.
- Q Is there any further statement you desire to make at this time in support of your application? A No sir.
- Q Have you any children over twenty one years of age who are now living? A Yes sir.
- Q How many? A Five.
- Q Give their names please, the oldest first. A Mary Tate.
- Q She is married? A Yes sir.
- Q What is her husband's name? A Green Tate.
- Q About how old is Mary Tate? A Thirty five.
- Q Where does she live? A She lives near Birmingham.
- Q Has she been before this Commission yet? A No sir, she is here today.
- Q Has she any children living? A Yes sir.
- Q How many? A One.
- Q What is that child's name? A Aubrey Tate.
- Q Has Mary Tate's husband any Indian blood? A No sir.
- Q What is your next child? A Willie Hayes, a boy.
- Q Is he married? A Yes sir.
- Q How old is he? A Thirty three.
- Q What is his wife's name? A Elizabeth.
- Q Have they any children? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Mary Lue and Pierson L., a boy.
- Q These children are both living with them now? A Yes sir.
- Q Where does your son Willie live? A In Selma.
- Q Has he ever been before the Commission? A Yes sir. He was here last week.
- Q Has he a middle initial? A Yes sir.
- Q What is it? A "S".
- Q Has Elizabeth Hayes, the wife of your son Willie Hayes any Choctaw blood? A Yes sir, the same that he has; they are cousins.
- Q What is the name of your next child? A Sarah J. Chambers.
- Q About how old is Sarah Jane Chambers? A About twenty eight.
- Q Where does she live? A She lives in Birmingham.
- Q Has she ever been before the Commission? A No sir.
- Q Is she here today? A Yes sir.
- Q Is her husband living? A Yes sir.
- Q What is his name? A Andrew Chambers.
- Q Has he any Choctaw blood? A Not that I know of.
- Q Have they any children? A They have one.
- Q What is that child's name? A Lilla May. And they have another adopted child, but it has no Choctaw blood.
- Q What is your next child's name? A Jesse Hayes.
- Q How old is Jesse? A Twenty six.
- Q Where does he live? A In Birmingham.
- Q Has he ever been before the Commission? A No sir.
- Q Is he here today? A Yes sir.
- Q He is married? A Yes sir.
- Q What is his wife's name? A Ida.
- Q Has his wife any Choctaw blood? A No sir, not that I know of.
- Q Have they any children? A Yes sir, they have two.
- Q What are the names of these children? A Willie is the boy's name.
- Q What is the next child? A Ola May.
- Q That is all of their children? A Yes sir.

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- Q What is your next child's name? A Kliza Perkerson.
Q How old is she? A Twenty two.
Q Where does she live? A She lives in Birmingham.
Q Is her husband living? A Yes sir.
Q What is his name? A Luther Perkerson.
Q Has he any Choctaw blood? A Not that I know of.
Q Have they any children? A She has not any children; he has.
Q He has children by a former wife? A Yes sir.
Q Did that former wife have any Choctaw blood? A Not that I know of.
Q The children are white children? A Yes sir. •
Q That is all of your married children? A Yes sir.
Q Have you any brothers living? A I have one.
Q What is his name? A David Martin.
Q How old is David Martin? A I think he is about forty six or forty eight.
Q Where does he live? A He lives near Plantersville where we were all raised.
Q Plantersville, Alabama? A Yes sir, Plantersville, Alabama.
Q He is a full brother of yours? A Yes sir.
Q Has he been before the Commission? A Yes sir.
Q When was he here? A I couldn't tell you exactly, I think he appeared at Hattiesburg last winter.
Q Is he married? A Yes sir.
Q Is his wife living? A Yes sir.
Q Has she any Choctaw blood? A Not that I know of.
Q Has he ever been married more than once? A Not that I know of.
Q Has he ever been married more than once? A No sir.
Q Has he any children? A He has two.
Q What is his wife's name? A Emma.
Q How many children has he under twenty one years of age? A Two.
Q What are their names? A Arthur is the boy's name, and Evie.
Q About how old is Arthur? A He is seventeen.
Q Has he any children ever twenty one years of age living? A No sir.
Q These children are both living with him now? A Yes sir.
Q Did you ever have any other brothers? A Yes sir.
Q How many? A Three, but they are not living.
Q Did any of them grow to manhood? A Yes sir, they all did, but only one married.
Q What is the name of the one that married? A Kleaser.
Q Did he have any children at the time of his death? A Yes sir.
Q Are any of these children living? A Yes sir, I think they are all living.
Q How many? A Three.
Q What is the name of the mother of these children? A Lula.
Q Is she living? A No sir, she is dead.
Q The children are orphans? A Yes sir.
Q Where do they live? A I don't know sir, I think there are some of them in Texas.
Q Do you know their names? A Yes sir.
Q What are their names? A His oldest one is Willie.
Q That is a boy? A Yes sir.
Q About how old do you think Willie is now? A Somewhere about twenty five, I suppose.
Q What is the next one's name? A Eddie.
Q About how old do you think Eddie is now? A About twenty three.

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- Q The next one? A Anna Belle.
Q Is she married? A Yes sir, I think she is.
Q Do you know the name of her husband? A No sir.
Q How old do you think Anna Belle is? A Between twenty one and twenty two.
Q How long since you have seen these children? A About fourteen years.
Q Do you know whether any of them have appeared before the Commission or not? A I don't know.
Q Have you any sisters living? A Yes sir.
Q How many? A I have two.
Q What is the name of the oldest? A Martha Wright.
Q Where does she live? A She lives in there in the country from Plantersville---Morrows ville, Alabama, I think is her post office.
Q About how old is she? A She is about sixty.
Q Is her husband living? A No sir.
Q Was he a white man? A Yes sir.
Q And had no Indian blood? A Not that I know of.
Q Has she any children living? A Yes sir.
Q How many? A I think about six or seven.
Q Name them, the oldest first? A James.
Q About how old is James? A About thirty four I think.
Q Is he married? A Yes sir.
Q Do you know his wife's name? A No sir.
Q Do you know whether he has any children? A Yes sir, he has one or two.
Q Do you know their names? A No sir.
Q Where does James live? A He lives not far from Plantersville.
Q What is the next child? A Mitchell.
Q About how old is he? A About thirty two.
Q Is Mitchell married? A Yes sir.
Q Where does he live? A He lives out west somewhere--I don't know his post office, but not more than eight or ten miles from Plantersville.
Q Is his wife living? A Yes sir.
Q Has she any Choctaw blood? A I don't know.
Q Do you know her name? A No sir.
Q Have they any children? A I think they have one. I don't know anything about this child much.
Q Do you know that child's name? A No sir.
Q What is the next child of your sister? A Robert.
Q About how old is he? A He is somewhere about twenty eight.
Q Is he married? A Yes sir.
Q Where does he live? A He lives out there not far from Plantersville.
Q Has his wife any Indian blood? A Not that I know of.
Q Do you know her name? A No.
Q Have they any children? A Yes sir, they have one.
Q Do you know its name? A No sir.
Q What is the name of the next one of your sister's children?
A Thomas.
Q About how old is Thomas? A I suppose he is about twenty six or twenty seven, or twenty eight.
Q Where does he live? A I think he is living there near Plantersville,--he is single.
Q What is the name of the next one of your sister's children?
A David.

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- Q About how old is David? A I suppose he is twenty or twenty one, may be not more than nineteen.
- Q Does he live near Plantersville, too? A Yes sir, he lives with his mother.
- Q Is he married? A No sir.
- Q Is that all her children? A She has a daughter, Rebecca.
- Q About how old is Rebecca? A Seventeen.
- Q Is she married? A No sir.
- Q She lives with her mother? A Yes sir.
- Q Have you named all of the children--all that are living? A I think I have.
- Q And have all these children the same father? A Yes sir.
- Q What was his name? A William Wright.
- Q Has your sister ever been before the Commission? A I think so.
- Q Where? A Here at Meridian.
- Q Do you know about when it was? A No, I don't know.
- Q Have any of her children appeared here? A I think they have.
- Q Do you know which ones? A No sir.
- Q What is the name of your other sister that is living? A Missou-ri Campbell.
- Q Where does she live? A She lives near Marion, Alabama.
- Q About how old is she? A She is somewhere about fifty.
- Q Has she ever been before the commission? A I think not.
- Q Is her husband living? A No sir.
- Q What was his name? A John Campbell.
- Q Was she married more than once? A No sir.
- Q Did John Campbell have any Indian blood? A Not that I know of.
- Q Has your sister any children living? A Yes sir.
- Q How many? A Six I believe.
- Q What is the name of the oldest? A James.
- Q About how old is he? A About thirty four, I think.
- Q Where does he live? A I can't think of the place---he is here today.
- Q What state does he live in? A Alabama; I don't remember the county or his post office.
- Q Is he married? A Yes sir.
- Q Has his wife any Choctaw blood? A Not that I know of.
- Q Is she living? A Yes sir.
- Q Have they any children? A Yes sir, they have two or three.
- Q Do you know their names? A No sir.
- Q What is the name of the next one of your sister's children? A Alice Massey.
- Q About how old is Alice Massey? A I think she is about thirty, I expect.
- Q Where does she live? A She lives near Marion, Alabama.
- Q Do you know her husband's name? A No sir, I don't know his given name.
- Q Has he any Choctaw blood? A I don't know.
- Q Have they any children? A Yes sir.
- Q Do you know the names of the children? A No sir. And I don't know how many they have.
- Q Do you know whether Alice has ever been before the Commission? A I don't think she has.
- Q What is the name of the next one of your sister's children? A Elijah.
- Q About how old is Elijah? A I suppose he is somewhere about twenty eight or twenty nine I expect.
- Q Where does he live? A He lives with his mother.
- Q Is he married? A No sir.

Emily A. Hayes-----12.

Q Has he ever been before the Commission? A I think not.
Q What is the next one of the children? A Annie Atchison.
Q About how old is Annie? A I expect she is about twenty six or twenty seven; she is here today.
Q Do you know the given name of her husband? A Luther Atchison.
Q Has he any Choctaw blood? A Not that I know of.
Q Have they any children? A They have two.
Q Do you know their names? A I don't know the baby's name, they call the oldest one "J.D."
Q You don't know the baby's name? A No sir.
Q Where do they live? A They live in Selma.
Q Selma, Alabama? A Yes sir.
Q What is the name of the next one of your sister's children?
A Nettie.
Q Is she married? A Yes sir.
Q What is her husband's name? A Elgin Wallace
Q Where do they live? A They live right in the same place their mother does, near Marion.
Q Have they any children? A No sir, I don't think they have.
Q Has Wallace any Choctaw blood? A I don't know him at all.
Q Has Nettie been before the Commission? A I don't think she has.
Q What is the name of the next one of your sister's children?
A Amanda.
Q What is her husband's name? A Massey.
Q Has her husband any Choctaw blood? A I don't know that he has.
Q Where do they live? A They live right there on the river near Marion.
Q Have they any children? A I think they have one.
Q Do you know its name? A No sir.
Q Has Amanda been before the Commission? A I don't know, I don't think she has.
Q Is that all of your sister's children? A Yes sir.
Q Have all these children the same father? A Yes sir.
Q What was his name? A John Campbell.
Q Did you ever have any other sister's besides these two?
A Yes sir.
Q How many? A Five that married and had families, besides those two that are living.
Q What is the name of the oldest one of ~~xxx~~ your sisters that are dead? A Mary Milling.
Q She left a family, did she? A Yes sir.
Q What was her husband's name? A Robert Milling.
Q Is he living? A No sir.
Q Did he have any Choctaw blood? A I don't know.
Q How old would that sister be if she were living now? A Sixty five or sixty six.
Q How many of her children are living now? A Four.
Q What are the names of these children? A Robert Milling
Q How old is Robert Milling? A About forty six.
Q Where does he live? A He lives down near Summerfield, Alabama.
Q Is he married? A Yes sir.
Q Is his wife living? A Yes sir.
Q Has he ever been married more than once? A No sir.
Q Has his wife any Choctaw blood? A I don't know.
Q Has he ever been before the Commission? A I couldn't tell you.
Q Has he any children? A Yes sir, he has several children but I don't know their name.

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Rally A. Raves-----13.

Q You don't know how many or their names? A No sir.
Q What is the name of the next child of your deceased sister?
A Sallie Carroll.
Q Where does she live? A Plantersville.
Q About how old is she? A About forty for ur.
Q Is her husband living? A Yes sir.
Q Has she ever been married more than once? A No sir.
Q Has her husband any Choctaw blood? A I don't know sir.
Q Has she ever been before the Commission? A She was at Hattiesburg last fall, I believe it was in December.
Q Has she any children? A Yes sir.
Q How many? A I think there are about eight.
Q Do you know their names and ages? A No sir, I don't know all their ages.
Q Give the names of her children, the oldest first? A Robert Carroll is the oldest; then Ada Wiley, she is married---
Q What is her husband's name? A Joe Wiley.
Q Next? A Melvin, Spurgeon and Purney, I can't give the other children's names.
Q Has Ada Wiley any children? A No sir.
Q Is she the only one of these children that are married? A Yes sir.
Q Have any of these children of Mrs Carroll been before the Commission? A Yes sir, I think they have.
Q Do you know which one? A Ada Wiley.
Q Do you know when she appeared before the Commission? A It was last fall some time.
Q At Hattiesburg? A I think she appeared here.
Q She must have appeared here since April 1, 1901, because this office was only established on that date? A Well, I don't know.
Q What is the name of the next one of your sister's children?
A Eleazar.
Q How old is this child? A I suppose about forty one or forty two
Q Where does he live? A He lives out in above Marion.
Q Alabama? A Yes sir.
Q Has he been before the Commission? A I don't know.
Q Is he married? A Yes sir.
Q Do you know his wife's name? A Elizabeth.
Q Has she any Choctaw blood? A Not that I know of.
Q Have they any children? A Yes sir.
Q How many? A I don't know.
Q Do you know their names? A No sir.
Q What is the name of the next one of your sister's children?
A Thomas Milling.
Q About how old is Thomas? A Is about thirty six.
Q Where does he live? A Near Plantersville, Alabama.
Q Has he been before the Commission? A I don't know.
Q Is he married? A Yes sir.
Q Is his wife living? A Yes sir.
Q What is her name? A Ida.
Q Has she any Choctaw blood? A I don't know.
Q Have they any children? A Yes sir.
Q How many? A Three, I think.
Q Do you know their names? A No sir.
Q These four children are the children of your sister Mary? A Yes sir.
Q Are they all of her children that are living? A Yes sir, the four.

Emily A. Hayes---24.

Q Are any of her children dead? A No sir, I think not, she just raised the four.---I forgot to give the name of one of my sisters who left this country about three or four years ago and went to ~~know~~ Iowa, and I don't know anything at all about her whether she is dead or alive.

Q What is the name of that sister? A Sarah Smith.

Q Is her husband living? A I don't know whether either one of them are living.

Q What was his name? A John Smith.

Q Did they have any children when they left here? A Yes sir.

Q How many? A Three.

Q Do you know their names? A Yes sir.

Q What are their names? A Eleazar, a boy.

Q Next one? A Lulitia.

Q Next one? A Margaret.

Q They are the three children of your sister Sarah and her husband John Smith? A Yes sir.

Q Have any of them appeared before the Commission? A No sir.

Q Did John Smith have any Choctaw blood? A No sir, not that I know of.

Q About how old would your sister be if she is living now? A About sixty four.

Q The children are grown, are they? A Yes sir.

Q Did they all live with their parents? A Yes sir.

Q Are any of the children married? A The oldest boy is married?

Q Did he have any children when he left here? A He had one son when I heard from him.

Q What was his name? A I don't know and I don't know his wife's name; he married in Iowa.

Q What was the name of the next one of your deceased sisters?

A Susan Hooks.

Q How long has she been dead? A About five years.

Q How old would she be if she were living now? A Fifty four.

Q Is her husband living? A Yes sir.

Q Has he any Choctaw blood? A Not that I know of.

Q Where does he live? A In Selma.

Q Selma, Alabama? A Yes sir.

Q Have they any children living? A Yes sir.

Q How many? A They have six.

Q Do you know their names? A Yes sir.

Q What is the name of the oldest one? A Elizabeth Hayes, that is the one who married my son Willie Hayes.

Q Your son has been here and made applications for himself, wife and children? A Yes sir.

Q What is the name of the next one? A Lou Hooks, she married the same name she was.

Q What is her husband's name? A William Hooks.

Q Where do they live? A Near Sumnerfield, Alabama.

Q Has Lou Hooks been before the Commission? A Yes sir.

Q When was she here? A Last Monday, I think.

Q Have they any children? A Not living.

Q What is the name of the next one of these children of your sister? A Pierson Hooks.

Q Where does he live? A Selma.

Q About how old is he? A I suppose he is about twenty five or twenty six.

Emily A. Hayes---15.

Q Is he married? A Not sir.
Q Has he ever been before the Commission? A He is here today.
Q About how old is Lou Hooks? A About twenty eight, I expect.
Q What is the name of the next child? A Ettie Merritt --she married a Merritt.
Q About how old is Ettie? A Twenty two.
Q Is her husband living? A Yes sir.
Q Has he any Choctaw blood? A No sir.
Q Where do they live? A In Birmingham.
Q Has she been before the Commission? A She is here today.
Q Have they any children? A No sir.
Q What is the name of the next? A Willie Jowers.
Q Where does she live? A In Birmingham.
Q Has she been before the Commission? A She is here today.
Q Is her husband living? A Yes sir.
Q What is his name? A Anthony Jowers.
Q Has he any Choctaw blood? A Not that I know of.
Q Have they any children? A No sir.
Q How old is this girl? A About twenty.
Q What is the name of the husband of Mrs Merritt? A Sam Merritt.
Q He has no Choctaw blood? A No sir, not that I know of.
Q What is the next one of this family or children? A Eliza D. Hooks.
Q How old is she? A Seven years, I believe.
Q Where does she live? A Selma.
Q With whom does she live? A She really lives mostly with her sister our near Summerfield, but her father lives in Selma.
Q Has any application ever been made for her? A I think so.
Q Whom do you think made it? A Her sister, Lou Hooks.
Q That finishes that family of your sister? A Yes sir.
Q Are any of the children of this sister dead? A Her oldest one died when it was small.
Q There is just one more of your deceased sisters who left a family? A Yes sir.
Q What was her name? A Rebecca Hayes.
Q How old would she be if she were living now? A I expect about forty five.
Q How long has she been dead? A She has been dead about seventeen or eighteen years, I think.
Q Is her husband living? A Yes sir.
Q What is his name? A Taylor Hayes.
Q Where does he live? A Near Plantersville.
Q Has he any Choctaw blood? A No sir, not that I know of.
Q How many of this sister's children are living? A Three.
Q What are the names of these children? A Alonzo E.
Q About how old is he? A About twenty five.
Q Where does he live? A He is living in Birmingham.
Q Is he married? A Yes sir.
Q Has he ever been before the Commission? A No sir.
Q Is he here today? A No sir.
Q Has he any children? A One.
Q What is that child's name? A Rebecca.
Q Is that child's mother living? A Yes sir.
Q What is the name of the child's mother? A Ellen.
Q Has she any Choctaw blood? A Not that I know of.
Q What is the name of the next one of the children of this sister? A Walter.
Q About how old is Walter? A He is about twenty two or twenty three.

Emily A. Hayes-----16.

Q Where does he live? A He lives a few miles from Planteraville.

Q Is he married? A No sir.

Q Has he ever been before the Commission? A I don't know.

Q ~~Has~~ He is not here today, is he? A No sir.

Q What is the name of the next one of these children? A James.

Q How old is James? A I don't know sir, I expect he is about nineteen or twenty.

Q Where does he live? A He lives with his father a few miles from Planteraville, Alabama.

Q He is not married? A No sir.

I don't

Q Has any application ever been made for this boy? A I think so.

Q You have given the names of all your brothers and sisters who are living? A Yes sir.

Q And so far as you know the names of their families? A Yes sir.

Q And you have given us the names of all of your deceased brothers and sisters who left families? A Yes sir.

Q And the names of their families so far as you know? A Yes sir, I think I have.

Q Have you any uncles or aunts on your father's side living? A I think I have an aunt somewhere but I don't know where she lives. She went I think to Louisiana, and I am not certain but she went on to Texas.

Q Do you know her name? A Yes sir, her name was Martha Caver. If she is living, she is the only one I have got on my father's side.

Q About how old do you think she is if she is living? A Her eldest children were as old as I was.

Q How long since you have heard from her? A It has been several years.

Q Where was she living when you heard from her? A She was living I think in Louisiana.

Q Do you remember the place? A No sir, and I think some one told me they went to Texas.

Q Do you know whether any of her children are living? A No sir, I don't know anything at all about her children, I don't know whether they are living or not or anything about them.

Q Did your father have any other sisters? A Yes sir, he has several sisters.

Q Do you remember their names? A Yes sir.

Q What are the names of some of them? A Anne Gandy that was the oldest one, and then Caroline Gandy, Martha Caver, Emily McGee and Susan Heard; I think that is all I remember.

Q Do you remember that man Heard that Susie married--his first name? A Yes sir, his first name was John.

Q All these sister are dead now? A Yes sir, all unless it is Martha Caver.

Q You have testified about her? A Yes sir.

Q Are any of the children of your father's oldest sister living? A Yes, two of them.

Q What are their names? A Emily Terry and Martha Williams.

Q Where do they live? A One lives in Chilton county, Alabama, and the other lives in Birmingham.

Q Have either of them been before the Commission? A I hardly think they have.

Q They both have families, have they? A Yes sir.

Q Are you acquainted with their families? A Yes sir.

Q Do you know the names of the children of the oldest one? A I think I can call them all.

Q Call the oldest one's children? A Eddie Terry.

Emily A. Graves----17.

- Q About how old is Eddie? A I think he is thirty two or thirty three.
- Q Do you know where he lives? A Up in Chilton county or Perry county.
- Q Is he married? A Yes sir.
- Q Do you know his wife's name? A I don't remember.
- Q Has she any Choctaw blood? A Not that I know of.
- Q Do you know whether Eddie Terry has ever been before the Commission? A No sir.
- Q Has Eddie Terry any children? A I couldn't tell you.
- Q What is the next child's name? A Della.
- Q Is she married? A Yes, but I am not certain that I can tell whom she married.
- Q You don't know who she married? A No sir.
- Q Do you know how old she is? A No sir, I don't know that I do exactly, she is somewhere about thirty one or thirty two.
- Q Has she any children? A I don't know sir.
- Q Has she ever been before the Commission? A I don't know.
- Q What is the next child's name? A I have forgotten the other one's name, and I don't think there were but three.
- Q Give us the names of the children of Martha Williams? A Minnie Price.
- Q Where does she live? A Woodlawn, near Birmingham.
- Q Is her husband living? A Yes sir.
- Q What is his name? A I don't know only Price.
- Q Has he any Choctaw blood? A I don't know.
- Q Has she any children? A Yes sir, she has three.
- Q Do you know their names? A No sir.
- Q How old is this woman? A She is somewhere I suppose about thirty one or thirty two.
- Q About how old is her mother? A About fifty six.
- Q What is the name of the next one of these children? A Emma Williams, she is not married.
- Q About how old is she? A She is about twenty nine or thirty.
- Q Has she been before the Commission? A I don't think she has.
- Q Has Mrs Price been before the Commission? A I don't think any of them have.
- Q What is the name of the next one of these children? A Lula Williams.
- Q Is she married? A No sir.
- Q About how old is she? A Somewhere in the twenties.
- Q Has she been before the Commission? A I don't think she has.
- Q What is the name of the next one? A Annie--she is married but I disremember her husband's name.
- Q Where does she live? A She lives at Ensley, Alabama, near Birmingham.
- Q You don't know her husband's name? A No sir.
- Q Have they any children? A They have one.
- Q Do you know its name? A No sir.
- Q About how old is this woman? A I expect she is along about twenty two or twenty three.
- Q Has she been before the Commission? A I don't think she has.
- Q What is the name of the next one of these children? A Mamie.
- Q Is she married? A No sir.
- Q She lives at home with her mother? A Yes sir.

- Q How old is she, about? A About seventeen.
- Q Has her mother been before the commission? A I don't think so.
- Q What is the name of the next one of these children? A That I don't believe.
- Q All these single ones live at home with their mother? A Yes sir.
- Q What is the name of the next one of your father's deceased children? A I think Caroline Gandy.
- Q About how old is Caroline—or how old would she be if she were living now? A I don't know.
- Q Did you ever see her? A I can remember seeing her when I was a child.
- Q Was she older than your father or younger? A Younger.
- Q How many of her children are living now? A I do not know whether any of them are or not; they went to Mississippi or Louisiana.
- Q You know nothing whatever of this family? A No sir.
- Q Is Caroline Gandy's husband living? A No sir.
- Q What was his name? A The first husband was Harvey Gandy.
- Q He had no children blood? A No sir, nor that I know of.
- Q What was the name of her second husband? A John Williamson.
- Q Is he living? A I don't know sir, I hardly think he is.
- Q Did he have any children blood? A I don't know.
- Q Did she have any children by him? A I think she had one.
- Q Is that child living? A I don't know sir.
- Q Do you know its name? A I think, I think.
- Q About how old is he at this time if he is living? A I don't know sir, I suppose he would be somewhere in the forties.
- Q Do you remember the names of her children by her first husband? A Yes sir.
- Q What are their names? A Daniel, Jane.
- Q Did Jane marry? A Not that I know of, they left the country where she lived when they were young.
- Q What are the other, John and Harvey.
- Q What is the next sister after Caroline? A Martha Jones.
- Q She is the one who went to Louisiana and you don't think she is living or she is living or not? A Yes sir.
- Q Is her husband living? A I don't know sir.
- Q What was his name? A Jim Sawyer.
- Q Did he have any children blood? A I don't know sir.
- Q What is the next sister of your father? A Emily Jones.
- Q How old would Emily be if she were living now? A I don't know.
- Q Was she younger than your father? A Yes sir.
- Q Where did she die? A She died there right in the vicinity where we were all raised, near Plattsburgh.
- Q When did she die? A I couldn't tell you exactly when, it was when I was very small; I suspect it is along in the forties since her death.
- Q Did she have any children living at the time of her death? A Yes sir.
- Q Are any of these children living now? A I don't know for sure.
- Q What was Gandy's husband's name? A Jim Jones.
- Q Is he living? A No sir, he is dead.
- Q Did he have any children blood? A Not that I know of.
- Q They have one child living? A Yes sir.
- Q What is that child's name? A Nathan Jones.
- Q Where does he live? A He lives in Louisiana or Texas.
- Q About how old is he? A He is somewhere in the thirties, I suppose.
- Q How long since you have seen him? A I suspect it has been thirty years since I have seen him, it has been that long or more.

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Q Did that child that is dead die in infancy? A It was up in twenty
Q And she ever have any children? A It is a son, Walter, that
Q Did he have any children at the time of his death? A I am not
Q positive; I think he did.
Q Do you know his wife's name? A Minnie.
Q Is she living? A I think she is.
Q Where does she live? A She lives in Chilton county.
Q You think she has one child by Walter Davis? A I think she has
Q two.
Q Do you know the name of either of those children? A No sir.
Q Do you know whether any application has ever been made to the
Q commission for those two children? A No sir.
Q What is the name of the living child of Susan Davis? A Jeannie.
Q Is she married? A Yes sir.
Q Do you know her husband's name? A I don't know.
Q Do you know whether she has any children or not? A No sir.
Q Do you know whether she has been before the Commission? A No,
Q sir, I don't know.
Q What is the name of the next child of your father's brother George?
Q Wiley Martin.
Q Is he living? A No sir.
Q How old would he be if he were living now? A Somewhere in fifty
Q I suppose.
Q Just younger than Susan? A Yes sir.
Q How long has he been dead? A He has been dead about eighteen or
Q nineteen years.
Q Where did he die? A He died in Chilton county, Alabama.
Q Did he any children at the time of his death? A Yes sir.
Q How many? A I don't know sir.
Q Are any of them living now? A I don't know sir. I think they
Q are, but I don't know.
Q Do you know the name of Wiley's wife? A They call her Det, I
Q don't know what her real name is.
Q Is she living? A No sir.
Q Did she have any children? A I don't know sir.
Q You know nothing what ever about their children? A No sir,
Q the youngest one, Joe, is there near Plantersville.
Q Is he married? A No sir.
Q Has he been before the commission? A I don't know sir.
Q About how old is he? A I don't know, I expect he is about nine-
Q teen or twenty years old.
Q What is the name of the next one of your father's brother George's
Q children? A William.
Q Is he living? A Yes sir.
Q Where does he live? A He lives near Sumnerfield, Alabama.
Q About how old a man is he. A He is somewhere along in forty
Q but I don't know exactly.
Q Do you know whether he has been before the Commission? A No sir.
Q Is he married? A Yes sir.
Q Has he ever been married more than once? A No sir.
Q Is his wife living? A Yes sir.
Q Has she any children? A Not that I know of.
Q What is her name? A I don't know.
Q Has he any children? A Yes sir, but I don't know how many or
Q their names.
Q Do you know whether any of the family has been before the Commis-
Q sion or not? A No sir.

Emily A. Daves----22.

- Q What is the name of the next one of the children of your father's brother George? A Frank Martin.
- Q Is he living? A Yes sir.
- Q How old is Frank? A He is somewhere above forty.
- Q Where does he live? A Stanton, Alabama.
- Q Has he been before the Commission? A I don't know sir.
- Q Is he married? A Yes sir.
- Q Do you know his wife's name? A His wife's name is Carrie.
- Q Has she any Indian blood? A No sir, not that I know of.
- Q Have they any children? A Yes sir.
- Q How many? A I don't know how many.
- Q Do you know their names? A I know some of their children's name I know the oldest one's name.
- Q What is the oldest one's name? A His name is William Martin.
- Q About how old is he? A He is a grown man and I think he is married.
- Q Do you know his wife's name if he is married? A No sir.
- Q Do you know the names of any of the other children of Frank Martin. A One is named Evie, but I don't know whether that is the next one or not.
- Q Is she married? A I think she is but I don't know who she married.
- Q Do you know about how old she is? A No sir.
- Q Do you know the names of any others of these children? A No sir.
- Q Do you know whether any of them have been before the Commission? A Will is here--Frank's oldest son.
- Q You have given all the names of George's children? A Yes sir, I think that is all.
- Q What is the name of your father's next brother? A Robert Martin.
- Q He is now deceased? A Yes sir.
- Q About how old would he be if he was living? A I suppose along in seventy somewhere, he is bound to have been that old.
- Q Are any of his children living? A Yes sir.
- Q Do you know their names? A I think I knew all of his children's names.
- Q Are any of his children dead? A I think the eldest daughter is dead, I wouldn't be positive.
- Q Did she have any family at the time of her death? A Yes sir.
- Q Give the names of these children of Robert Martin? A Jane Williams.
- Q You think she is dead? A I think she is.
- Q How old do you think she would be if she were living now? A She would be something over fifty six.
- Q A little older than you? A Yes sir.
- Q Where did she live when you last hear of her? A In Texas, I think it was.
- Q Do you know her husband's name? A I believe it was Richard.
- Q Did he have any Chinese blood? A I don't know sir.
- Q Is he living now? A I don't know sir whether he is or not.
- Q Was she ever married more than once? A No sir, I think not.
- Q Do you know whether she ever made any application to the Commission or not? A No sir.
- Q What makes you think she is dead? A It seems to me I heard she was dead a year or two ago.
- Q Do you know the names of her children? A No sir, they left here

Emily A. Eaves-----23.

Q How long ago? A After they were first married, and they have been married between thirty and forty years.

Q You don't know whether any of these people have ever been before the Commission? A No sir.

Q What is the name of the next child of Robert Martin? A John.

Q Is he living? A Yes sir.

Q About how old a man is John? A He is about fifty four years old I think.

Q Where does he live? A Near Plantersville in Chilton county, Alabama.

Q Has he ever been before the Commission? A He is here today.

Q Has he any middle initial A I think his name is John Henry I am not sure.

Q Is he married? A Yes sir.

Q Is his wife living? A Yes sir.

Q What is her name? A Sealy.

Q Has he ever been married more than once? A No sir.

Q Has Sealy any Choctaw blood? A Not that I know of.

Q Has John any children? A Yes sir.

Q Can you give their names? A I don't believe I can but one.

Q What is the name of that one? A Thomas.

Q About how old is Thomas? A He is somewhere in about twenty, and I don't know whether that is the eldest one or not.

Q Do you know whether he is married? A I don't think any of his children are married.

Q What is the name of the next child after John of Robert Martin?

A I believe her name is Emily.

Q Is she married? A Yes sir---Emily Gandy.

Q About how old is Emily? A I expect she is probably something near fifty.

Q Where does she live? A In Texas last I heard from her.

Q What place in Texas? A I couldn't tell you.

Q Is her husband living? A He was last I heard from her.

Q Do you know his name? A James Gandy.

Q Has he any Choctaw blood? A If he has, I don't know it.

Q Has she ever been before the Commission? A I don't know.

Q Do you know the names of her children? A No sir.

Q You don't know anything about that family? A No sir, they left and went to Texas.

Q What is the next child's name after Emily of Robert Martin?

A David Martin.

Q Where does he live? A In Texas.

Q Do you know where? A No sir.

Q About how old is ~~John~~ David? A I suppose he is somewhere between forty and fifty, I couldn't tell.

Q How long has he been away from this country? A He left here before he was of age.

Q And has lived out there ever since? A Yes sir.

Q Do you know his wife? A No sir.

Q Do you know his wife's name? A No sir.

Q You know nothing whatever of his family? A No sir.

Q Do you know whether he has appeared before the Commission or not? A No sir.

Q What is the name of the next child after David? A I don't know whether the girls come in next or Robert.

Emily A. Hayes-----24.

- Q About how old do you think Robert is now? A I don't know.
- Q Where does he live? A I think in Texas.
- Q How long since you have seen him? A It has been a long, long time. I have not seen him in eighteen or twenty years or more.
- Q Have you seen him since he was grown? A No sir, I don't believe I have.
- Q Do you know where he lives in Texas? A No sir.
- Q Is he married? A Yes sir, I think he is.
- Q Do you know his wife? A No sir.
- Q You knew nothing whatever of his family? A No sir.
- Q You don't know whether he has appeared before the Commission or not? A No sir.
- Q What is the next child's name? A Martha Walker.
- Q About how old is Martha? A I expect she is somewhere in forty.
- Q Where does she live? A Plantersville, Alabama.
- Q Has she ever been before the Commission? A I do not know.
- Q Is her husband living? A Yes sir.
- Q What is his name? A William Walker.
- Q Has he any Choctaw blood? A Not that I know of.
- Q Have they any children? A Yes sir.
- Q Do you know their names? A No sir.
- Q You knew nothing about them? A No sir.
- Q What is the name of the next child after Martha? A Callie Walker.
- Q How old is Callie? A She comes in next to Martha.
- Q Where does she live? A Plantersville.
- Q Is her husband living? A Yes sir.
- Q What is his name? A George Walker.
- Q Has he any Choctaw blood? A Not that I know of.
- Q He is a brother of her sister Martha's husband? A Yes sir.
- Q Have they any children? A I think they have, but I am not certain.
- Q You don't know their names if they have? A No sir.
- Q Do you know whether they have been before the Commission or not? A No sir, I heard that they had but I don't know.
- Q What is the next one of Robert Martin's children? A That is the last one except his second wife's children.
- Q What was the name of Robert's first wife? A Martha.
- Q And she had no Choctaw blood? A If she did, I don't know it.
- Q What is the name of his second wife? A Nancy, I suppose.
- Q Is she living? A Yes sir.
- Q How old is she? A I suppose she is somewhere towards fifty, herself.
- Q Has she any Choctaw blood? A I couldn't tell you.
- Q Where does she live? A She lives there in Chilton county; she did last I knowed of them.
- Q You have given us the names of Robert Martin's children by his first wife, both living and dead? A Yes sir, I don't think I have missed any of them.
- Q Give us the name of the eldest one of his children by his second wife? A Marion, a boy.
- Q How old is Marion? A He is in the twenties somewhere.
- Q Do you know where he lives? A I think he is clerking in Selma.
- Q Do you know whether he is married? A I don't think he is.
- Q Do you know whether he has been before the Commission? A No, sir, I don't know.
- Q What is the next child? A They call him Mack.

Emily A. Kaves-----25.

Q About how old is Mack? A I think he is about twenty.
Q Where does he live? A I don't know whether he is with his mother or in Selma, he was with his mother out in Chilton county the last I knew of him.
Q Do you know whether he has been before the Commission or not?
A No sir.
Q Are there any other children by this second wife? A No sir.
Q How long has Robert Martin been dead? A About twenty three or twenty four years, and those children are between twenty five and thirty years old, because he has been dead, I know he has been dead between twenty two and twenty three years. Those children I believe are not less than twenty five the eldest one.
Q How long since you have seen these children? A I seen them about two years ago.
Q Are you well acquainted with them? A Yes I was acquainted with them for a short while until I moved away from among them.
Q You have given us the names of every one of your uncle Robert's children? A Yes sir, I think I have.
Q What is the next brother of your father? A David.
Q How old would he be if he were living now? A I couldn't tell you, I expect he would be somewhere near seventy.
Q How long has David been dead? A I don't really know whether he is dead or not; he went to Texas.
Q How long ago? A It was when I was small.
Q How long since you have heard from him? A I don't know that any of the relations has heard anything straight from him since before the war.
Q None of you have heard anything from him since before the war?
A No sir, he was I think in the war, and we never heard anything from him any more. His wife and son were still left here, and he went off before the war and joined the army.
Q He left a wife and son here? A Yes sir.
Q Is his wife living now? A No sir.
Q What was her name? A Her name was Kitty Martin.
Q Had she any Choctaw blood? A I couldn't tell you anything about that.
Q How long has she been dead? A I don't know sir, she died since I moved from among them all down there several years ago.
Q Is that son living still? A Yes sir I think he is.
Q About how old a man is he? A He is up in forty somewhere.
Q Do you know where he lives? A He lives in Autauga county, Alabama.
Q Do you know his post office address? A No sir, I don't.
Q Do you know whether he has been before the Commission? A No sir, I don't know.
Q What is his name? A Robert Martin. I have not seen him since he was small, I think that is his name.
Q He is married? A Yes sir.
Q How many children has he? A I don't know, I think he has a large family.
Q Do you know his wife's name? A No sir, there is one of his sons here today, his name is Walter.
Q Is that son that is here now married? A I don't think he is; I have not heard them say.
Q How old a man is he? A I don't know, he looks like he might be of age, may be twenty one or twenty two years old.
Q Have you ever seen him before you came here? A No sir.
Q Do you know whether Robert or any of his children except this one Walter who is here today have ever been before the Commission?

Emily A. Eaves-----24.

A I don't know.

Q Do you know the name of Robert's wife? A No sir.

Q Do you know whether she has any chockaw blood? A No sir, I don't know anything about that.

Q You don't know whether David Martin ever married again out in Texas? A No sir, we didn't know.

Q You have given us the names of all your father's brothers? A Yes sir.

Q Did you ever hear of any one in your family by name of Smallwood? A No sir.

Q Never heard of such a name in your family? A If there was I don't remember it -- that is until I have been up here, but in my raising I don't remember hearing the name called.

Q What did you hear since you have been up here? A I have just heard them speaking about the name here in the house is all I heard. I never did understand or know what it was.

Q So far as you know you never have had any ancestor by that name? A Not that I know of.

Q You don't speak or understand the chockaw language? A No sir.

Q Do any of your relatives that you have named here know about or understand the chockaw language? A No sir.

Q None of your relatives that you have named here today have ever been recognized members of the Chockaw tribe of Indians? A No sir.

Q And none of them so far as you know have ever received any benefits as such? A No sir.

Q Did any of them ever live in Indian Territory that you knew of? A No sir, not that I know anything about.

Q Did any of them except Susan Heard ever live in Mississippi that you knew of? A Yes sir, I had relatives who lived in Mississippi long years ago but I couldn't trace them up.

Q Do you know who they were---what branch of the family it was? A No sir.

Q Do you know where they lived here in Mississippi? A No sir.

Q Do you know when they lived here? A No sir.

Q Do you have any idea when they lived here? A No sir, I heard people speak of having relatives here just before the war.

Q You don't know on which side of the family these relatives were? A No sir, there was an Allen who lived in Mississippi.

Q Do you know whether he had Chockaw blood or not? A No sir, I don't know anything about that.

This applicant has the appearance of being a white woman. Her complexion and hair are both light, and she shows no indications of being possessed of Indian blood. She does not speak or understand the chockaw language.

H.C. Risteen, having been first duly sworn, upon his oath stated that as stenographer to the Commission to the Five Civilized Tribes he reported in all all proceedings had in the above entitled cause on the 1st day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

I subscribed and sworn to before me at Meridian, Mississippi, this 2nd day of October, 1901.

H.C. Risteen

Notary Public.

Muskogee, Indian Territory, December 16, 1901.

J. E. Arnold,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 13, with which you inclose pages ten and twenty of the evidence in the Susan J. Tippet case. The same will be placed with our files.

Replying to that part of your letter in which you request a copy of the statement made by Emily Zaves at the time she appeared before the Commission at Meridian, Mississippi, about October 1st or 2nd, you are advised that it does not appear that you are the attorney of record in this case. It will, therefore, be impossible to comply with your request.

Yours truly,

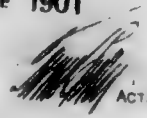
Commissioner in Charge

ME 3669

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

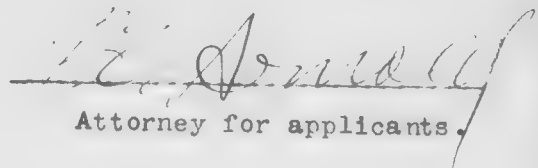
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ACTING CHAIRMAN.

December 21, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the testimony of Emily A. Eaves taken before the
Commission at Meridian, Mississippi, October 1, 1901, in the
matter of her application for the identification of herself and
minor child as Mississippi Choctaws.


Attorney for applicants.

Muskogee, Indian Territory, December 21, 1901.

J. E. Arnold,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state that you are attorney for Emily A. Hayes and desire a copy of her testimony at the time she made application for identification as a Mississippi Choctaw.

In accordance with your request, there is enclosed you herewith a copy of such testimony together with receipt for same, which please sign and return to this office.

Yours truly,

Commissioner in Charge.

M C R 3669

Enc Y-7

Muskogee, Indian Territory, December 24, 1901.

J. M. Arnold,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty third instant, inclosing your receipt for copy of the testimony of Emily A. Eaves taken at the time of her appearance before the Commission at Meridian, Mississippi as an applicant for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

NO 2369

COPY.

COMMISSIONERS

HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskegee, Indian Territory, April 21, 1902.

Emily A. Hayes,

Ave. I. 2425,

Birmingham, Ala.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED), *Fame Dixby.*

Registered.

Acting Chairman.

M.S.R. 3669.

Muskogee, Indian Territory, November 12, 1902.

Emily A. Hayes,

Ave. 1, 2425,

Birmingham, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 31st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

FORWARDED

James Bixby

Acting Chairman.

M.C.R. 3669.

Muskogee, Indian Territory, December 21, 1903.

Emily A. Hayes,
Avenue I. 2426,
Birmingham, Alabama.

Dear Madam:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

MOR-3669

COPY

Muskogee, Indian Territory, January 17, 1907.

Emily A. Hayes,
Avenue I. 2425,
Birmingham, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and child is a part.

Respectfully,

SIGNED *Wm Bixby.*
Commissioner.

No. ~~3668~~

3669

For Identification as a Mississippi Choctaw.

Date

OCT 1 1901

Name

Emily A. Eaves

Age

56

Blood

1/8

Post Office

Birmingham Ala

Ave. 9-24 1/2 S.

Father:

James M. Martin

Mother:

Eliza

Claims through

father

Children:

Marvin Eaves

Father John Eaves
(no Indian blood)

17
dead

(Claims for self and
one minor child)

Stenographer

H. C. Risteen

Choctaw MCR 3670

Willie Towers

See MCR 203

MCR 3670

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, October 1, 1901.

In the matter of the application of Willie Jowers for identification as a Mississippi Choctaw.

Willie Jowers, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Willie Jowers.
Q How old are you? A Nineteen.
Q What is your post office address? A 2425 Avenue I, Birmingham, Alabama.
Q How long have you lived in Birmingham? A A year.
Q Where did you live immediately prior to that? A Selma.
Q How long did you live in Selma? A Eighteen years.
Q You were born in Selma then? A Yes sir.
Q How much choctaw blood do you claim to have? A One-sixteenth.
Q Is your father living? A Yes sir.
Q What is his name? A Marcus Hooks.
Q Is your mother living? A No sir.
Q What was her name? A Susie Hooks.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood did your mother have? A One-eighth.
Q Your father was a white man? And has no Indian blood? A Not that I know of.
Q How long has your mother been dead? A Five years.
Q Do you know where she lived prior to your birth? A Chilton County, Alabama.
Q Do you know how long she lived in Chilton County, Alabama? A I do not.
Q Do you know whether she ever lived any place else except in Chilton County? A Yes sir, when she married she moved to Mississippi and lived there five years.
Q Do you know where? A No sir, I have heard her say, but I don't remember.
Q How old would your mother be if she was living now? A She would be fifty four years old.
Q Your mother never lived in Indian Territory? A No sir.
Q Was she ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians, in Indian Territory, by the Choctaw tribal authorities or the United States authorities? A Not that I know of.
Q Are you married? A Yes sir.
Q Are you living with your husband now? A Yes sir.
Q Has he any Indian blood? A No sir.
Q Do you make any claim for him? A No sir.
Q What is his name? A Anthony Jowers.
Q Have you any children? A No sir.
Q This application, then, is for yourself only? A Yes sir.

Willie Jowers, 2.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you, or any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.

Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation, Indian Territory, by the Choctaw tribal authorities or the United States authorities? A No sir.

Q Have you ever made application prior to this time either to the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of making application for identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands, in Indian Territory, under the provisions of Article fourteen of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that fourteenth article of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q You think you understand it thoroughly? A Yes sir.

Q You have heard it read and explained here in the court room two or three times here to-day, have you not? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation here in Mississippi or Alabama in the year 1830, when this treaty was made? A Not that I know of.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of your Choctaw ancestors own an improvement here in the old Choctaw Nation in Mississippi or Alabama at that time? A No sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir, not that I know of.

Q Were any of your ancestors ever in Indian Territory? A No sir.

Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Indian Agent for the Choctaws here in Mississippi, their intention to remain here and become citizens of the States? A Not as I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your Choctaw ancestors ever receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article, or under the supplement to that treaty? A No sir.

Q What did you say? A No sir.

Q Do you know about that? A Not that I know of.

Willie Jowers, 3.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir, not as far as I know.

Q And none of them, so far as you know, were ever recognized members of the Choctaw tribe of Indians? A No sir, not as I know of.

Q

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States under that fourteenth article. The records of the Government show that this agent failed, in many instances, to record and report to the Government, the names of Indians who did, in fact, signify to him their intention to remain and become citizens of the States and take land under the fourteenth article. On this account, in many instances, land upon which Choctaws lived and owned improvements was sold by the Government at its public land sales here in Mississippi, and this, of course, caused the Choctaws to complain bitterly, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission, whose duty it should be to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied, in all respects, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, and that they had been deprived of it, and had in fact received no benefits under article fourteen. This commission was duly appointed by the President, and the commissioners came down here and heard some of these cases, and later an Act of Congress was approved, on the 22nd day of February, 1838, continuing this same commission until the first day of August, 1838; in this time they were able to hear but a comparatively small number of these Choctaw cases, and later it became necessary to have another commission to finish up this work. Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of a second commission whose duty it should be to come down here and finish up the hearing of these Choctaw cases. This second commission was duly appointed by the President, and the commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions, and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did you ever hear that any of them ever did? A No sir.

The Act of Congress approved August 23rd, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied, in all respects, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek,

Willie Jowers, 4.

but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this Act of Congress? A Not as I know of.

Q Have you any witnesses before the Commission to-day whom you desire to introduce in support of your application? A Yes sir.

Q What are their names? A Mr Thomas Ousley and his wife, and two others; I don't know their names.

Q What do you expect to prove by these witnesses? A That I am one-sixteenth Choctaw Indian.

Q Do you expect to prove anything else by them? A I don't know sir.

Q Are they familiar with your family history? A Yes sir.

Q Do you know any other witnesses who would be able to support your testimony as your ancestry? A Yes sir, I have other witnesses; my aunt is here.

Q What is her name? A Emily Hayes.

Q She has been before the Commission this morning, has she not?

A Yes sir.

Q Through which one of her parents did your mother get her Indian blood? A Her father.

Q What was his name? A James Martin.

Q Did you ever see James Martin? A No sir.

Q How long has he been dead? A I don't know, sir.

Q Did he die before you were born? A Yes sir.

Q Do you know how old James Martin would be if he was living now? A No sir, I don't know.

Q Do you have any idea? A About seventy five, or eighty years old.

Q Do you know where he lived during his life time? A In Chilton County, Alabama.

Q Did he ever live any place else that you know of? A Not that I know of.

Q You never heard of him living in Indian Territory, or Mississippi?

A No sir.

Q What is your mother's mother's name? A Eliza Martin.

Q Did she have any Choctaw blood? A No sir, my mother's father.

Q How much Choctaw blood did your mother's father have? A One quarter.

Q Do you know through which one of his parents he got his Choctaw blood? A His mother.

Q What was her name? A Martha Martin.

Q What was her maiden name? A Martha Moore.

Q You never saw her? A No sir.

Q Do you know how old she would be if she was living now? A No sir.

Q Do you know where she lived during her life time? A No sir.

Q How much Choctaw blood do you claim she had? A She was half.

Q Do you know what her husband's name was? A Robert Martin.

Q You never saw him did you? A No sir.

Q Did he have any Indian blood? A I don't know, sir. Not that I know of.

Willie Jewers, S.

Q Through which one of her parents did Martha Moore, later Martha Martin, get her Indian blood? A I don't know.

Q Do you know the names of either of her parents? A No sir.

Q You never heard them? A No sir.

Q Have you any written evidence of any description you desire to offer at this time? A No sir.

Q Do you know of the existence of any evidence showing that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.

Q Do you desire to offer any written evidence in support of your application at a later date? A I may.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission would be glad, however, to have you offer this evidence in thirty days from this date if you find it convenient to do so, and if there are any other witnesses than those you have before the Commission to-day that you want to cause to come before the Commission, they may appear here at Meridian by the tenth of October, and their testimony will be taken in support of their application; after that time they may appear before the Commission at Atoka, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No sir.

Q Did your mother ever have any brothers or sisters? A Yes sir.

Q Are any of them living now? A Yes sir.

Q How many of her brothers are living? A One.

Q What is his name? A David Martin.

Q Is he a full brother of your mother? A Yes sir.

Q Where does David Martin live? A About five miles from Plantersville, Alabama.

Q Is he married? A Yes sir.

Q Is his wife living? A Yes sir.

Q What is her name? A Emma Martin.

Q Has she any Choctaw blood? A Not that I know of.

Q Have they any children? A Yes sir.

Q How many? A Two.

Q What are their names? A Arthur and Evie.

Q Are any of your mother's brothers dead? A Yes sir, she has two dead.

Q Were either of them married at the time of their death? A One was married, I know; I never have heard her say whether the other one was married, or not.

Q Do you know whether he had any children or not, the one that was married? A Eliazar Martin had two children.

Q You say he had two children? A Yes sir, that's all I know.

Q Are they living now? A I think they are.

Q Where do they live? A I don't know.

Q Do you know their names? A Anna Bell and I don't know the other's name.

Q Is Anna Bell married? A Yes sir.

Q Do you know her husband's name? A No sir.

Q You don't know whether any of them have been before the Commission do you? A No sir.

Willie Jowers, 6.

- Q Do you know whether your uncle David has been before the Commission? A Yes sir.
- Q He has? A Yes sir.
- Q How many of your mother's sisters are living? A Four.
- Q What is the name of the oldest one? A Emily Eaves.
- Q Is she the same Emily Eaves who appeared before the Commission this morning? A Yes sir.
- Q What is the next one's name? A "Well, I don't know which one comes next to her, but I know their names.
- Q Give me all the names? A Sarah Smith.
- Q Where does Sarah Smith live? A I don't know.
- Q Do you know whether she has been before the Commission? A I don't know; when she left here she went to Iowa.
- Q What is the next one? A Missouri Campbell.
- Q The next one? A Martha Wright.
- Q Where does Martha Wright live? A About twenty five miles from Selma.
- Q Where does Missouri Campbell live? A I don't know.
- Q Do you know whether either of them have been before the Commission? A Martha Wright has.
- Q Do you know when? A I don't know exactly when, but it was when they were in Hattiesburg.
- Q Last December then? A Yes sir, sisters?
- Q Has your mother any deceased ~~brothers~~? A Yes sir.
- Q How many? A She has one that I know of.
- Q Was she married at the time of her death? A Yes sir.
- Q Did she have any children living? A Yes sir.
- Q Are those children living now? A Yes sir.
- Q Do you know their names? A Yes sir.
- Q What are their names? A Sallie Carroll, Robert Milling, Eliazer.
- Q The next one? A Thomas Milling.
- Q The next one? A That's all.
- Q Where do those children live? A Sallie Carroll lives in Plantersville, Thomas lives about five miles from Plantersville, and I don't know where Eliazer lives.
- Q Have any of them been before this Commission? A Yes sir, Sallie Carroll has.
- Q What is the name of the mother of these children? A Mary Milling.
- Q A full sister of your mother? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any relatives that do? A Not that I know of.

(This applicant has the appearance of being a white person and shows no indication of being possessed of Indian blood; she does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the first day of October, 1901, and that

Willie Jowers, 7.

the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this fifth day of October, 1901.

R. S. Smith
[Signature]
Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Willie Jowers,

Ave. I. 2425,

Birmingham, Ala.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Etta Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 18, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Andress More Walker, Sallie Carroll, James Robert Carroll, John Surgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, L. Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as internar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNATURE)

Tame Dixby.

Registered.

Acting Chairman.

M. C. R. 3870

Muskogee, Indian Territory, November 12, 1902.

Villie Jowers,

#2425, Avenue I.

Birmingham, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

Tamc Bixby.
Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2008

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3670.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 21, 1903.

Willie Jowers,
Avenue I. 2425,
Birmingham, Alabama.

Dear Sir:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"


that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

W. J., -2-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

A handwritten signature, possibly "W. J.", written in dark ink. The signature is stylized with a long, sweeping horizontal stroke at the top and a vertical stroke on the right side.

Chairman.

COPY

MCR-3670

Muskogee, Indian Territory, January 17, 1907.

Willie Jowers,
Avenue I. 2425,
Birmingham, Alabama.

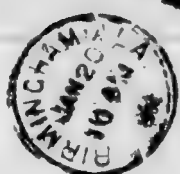
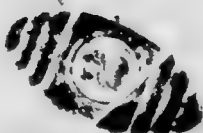
Dear Madam:

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 22 1904

CHAIRMAN

3670

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, NO. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300

Willie Jowers,

Avenue 2425,

Birmingham, Alabama.

For Identification as a Mississippi Choctaw.

Date

OCT 1 1901

Name

Willie Fowers

(F)

Age

19

Blood

1/16

2425 Ave. S. B.

Post Office,

Birmingham, Ala.

Father:

Marcus M. Hooks

L

Mother:

Dusie

"

D

Claims through mother

husband Anthony Fowers

No claim for husband

Children:

(Claim for 1 of above)

Stenographer

R. L. Street

Choctaw MCR 3671

Annie Atchison

See MCR 203

MCR 3671

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES?
Meridian, Mississippi, October 1st, 1901.

In the matter of the application of Annie Atchison for the identification of herself and her two minor children as Mississippi Choctaws.

Said Annie Atchison, being first duly sworn, testified as follows:

Examination by the Commission.

(Mr. J. E. Arnold, attorney for applicant)

- Q What is your name? A Annie Atchison.
Q How old are you? A Twenty-five.
Q What is your postoffice address? A Selma, Alabama; #64 Florence Street.
Q How long have you lived in Selma? A Three years.
Q Where did you live before that? A In Macon, Perry County.
Q How long did you live there? A One year.
Q Q Where did you live before that? A At Gurney.
Q How long did you live at Gurney? A Just one year.
Q Where did you live immediately before that? A We were married before that and my father lived in Perry County, Alabama.
Q Did you live there all your life up to the time you married?
A No sir, I was born in Chilton County, near Plantersville, Alabama.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q Is your father living? A No sir.
Q What was his name? A John Campbell.
Q Is your mother living? A Yes sir.
Q What is her name? A Missouri Campbell.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim your mother had? A One-eighth.
Q Where does she live? A She lives at present in Bibb County, Alabama.
Q Has she been before the Commission yet? A No sir.
Q How long has your mother lived there? A She has been there two years.
Q Where did she live before that? A In Perry County.
Q Where did she live prior to your birth? A In Chilton County.
Q Was she born in Chilton County? A Yes sir.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or by the United States authorities?
A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Luther Atchison.
Q Has your husband any Choctaw blood? A No sir.
Q You make no claim for him then? A No sir.
Q He is a white man? A Yes sir.
Q Have you been married more than once? A No sir.
Q Have you any children for whom you desire to make application?
A Two.
Q What are their names and ages? A Luther D., four years old.
Q Next one? A Edward, one year old.

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- Q Is that all? A Yes sir.
- Q Are these children both the children of yourself and Luther Atchison? A Yes sir.
- Q This application then is for yourself and two minor children? A Yes sir.
- Q Through which one of your mother's parents did she derive her Choctaw blood? A Through her father.
- Q What was his name? A James Martin.
- Q How old would he be if he were living now? A I can't tell you that.
- Q Can you give us an idea, approximate? Would he be a very old man? A Yes sir, he would be fully seventy-five.
- Q Did you ever see him? A Yes sir, when I was very small.
- Q How long has he been dead? A He died when I was three years old.
- Q You don't remember his appearance? A No sir.
- Q Where did he live during his lifetime? A In Chilton County.
- Q Did he live there all his life? A So far back as I know.
- Q How much Choctaw blood did he have? A He would be one-fourth.
- Q Is your mother's mother living? A She is dead.
- Q What was her name? A Eliza Martin.
- Q Did she have any Choctaw blood? A No sir.
- Q Through which one of James Martin's parents did he derive his Choctaw blood? A His mother.
- Q What was his mother's name? A Martha Moore.
- Q What was her husband's name? A Robert ~~Martha~~ Martin.
- Q Moore was her maiden name? A Yes sir.
- Q You never saw either of these, did you? A No sir.
- Q How much Choctaw blood did Martha have? A I think she was half.
- Q Do you know where she lived? A No sir, I don't know that.
- Q Do you know the name of either of Martha's parents? A No sir.
- Q Never heard their names? A Don't know that I did.
- Q You don't know through which one of her parents she got her Indian blood, do you? A No sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Did you or anyone for you ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1898? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation Indian Territory by the Choctaw Tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or either of these children to either the Choctaw Tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and your two minor children under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

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The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time t is treaty was made the Choctaws lived here in Mississippi and over on the western edge of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians. At the time the treaty was made some of the Indians were anxious to move to the new country but a few of them preferred to remain here and ins ted that provision be made in the treaty whereby they might be permitted to remain in what constituted the old Choctaw Nation in Mississippi and Alabama. For the benefit of those who preferred to remain the 14th article was put into the treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section r six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have read to you the 14th article of that treaty--do you think you understand that now? A Yes sir, I think I do.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Not that I know of.

Q Were any of our ancestors recognized members of the Choctaw Tribe of Indians at that time? A Not that I know of.

Q Did any of your ancestors own an improvement at that time on the land constituting the old Choctaw Nation here in Mississippi and Alabama? A No sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

A I don't know.

Q Were any of your Choctaw ancestors ever in the Choctaw Nation in Indian Territory? A Not that I know of.

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Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I do not know.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement of that treaty? A Not that I know of.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the States and take advantage of the provisions of the 14th article. The records of the Government show that this Agent failed, in many instances, to record and report to the Government the names of Indians who did in fact signify to him their intention to remain and become citizens. On this account the Government, at its public land sales, here in Mississippi, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this 14th article. This, of course, occasioned a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved March 3, 1837, providing for the appointment of a Commission whose duty it should be to proceed to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but had not received any benefits thereunder. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and by another act, approved the 22nd day of February, 1838, they were continued until the first day of August, 1838. During this time they heard a comparatively small number of these cases owing to the limited time allowed them and it became necessary for the Government to provide for another Commission. On the 23rd day of August, 1842, an act of Congress was approved, providing for the appointment of another Commission to come here and finish up the work of hearing these Choctaw cases. That second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Do you know whether any of your ancestors appeared before either of these Commissions and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw

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had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government and he had in fact received no benefits under the 14th article, he should be entitled to select land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this act of Congress? A Not that I know of.
Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A No sir, not that I know of.

Q So far as you know, did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A Not that I know of.

Q Have you any witnesses here before the Commission today whom you desire to introduce in support of your application? A Yes sir, there is witnesses to testify.

Q What are their names? A Mr. ~~Nak~~ and Mrs. Howsley.

Q Are there any others? A Yes, Robert L. Webb and Mr. Allen.

Q What do you expect to prove by these witnesses? A Prove that we are the descendants or that our foreparents were of the Choctaw Nation.

Q To prove anything else? A Prove that our foreparents were Indians.

Q Is that all that you want to prove by them? A Yes sir.

Q Do you know of any witnesses who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I do not.

Q Have you any written evidence of any kind that you desire to offer at this time in support of your application? A No sir.

Q Do you know of the existence of any written evidence to show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I do not.

Q Do you desire to offer written evidence in support of your claim at a later date? A I might.

You will be allowed a reasonable time in which to offer proper written evidence in support of your application. The Commission would be glad, however, to have you offer this within a period of thirty days from this date if you can conveniently do so. If you have any other witnesses than those who are in attendance before the Commission whom you desire to have testify before the Commission, they may appear before us at Meridian, Mississippi, at any time prior to October 10, 1901, and their testimony will be taken. After that time they may appear before the Commission at Atoka, Indian Territory, and their testimony will be taken.

Q The witnesses you refer to are here in Meridian for the purpose of giving their testimony in the case of Susan J. Tippit et al, are they not? A Yes sir.

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Q You and the members of that family trace your ancestry to a common point, do you not? A Yes sir.

Q Are there any further statements you desire to make at this time in support of your application? A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A Two.

Q Are either of them married? A One of them.

Q What is his name? A James Campbell.

Q Where does he live? A Aldrich, Alabama.

Q Has he been before the Commission? A He is here now.

Q About how old is he? A He is thirty-two.

Q What is his wife's name? A Susan.

Q Has she any Choctaw blood? A No sir.

Q Has he any children? A Yes sir.

Q How many? A Three.

Q What are their names? A The oldest one is Lillian, the second is Lela and the youngest is Mamie.

Q What is your other brother's name? A Elijah Campbell.

Q Where does he live? A In Bibb County, Alabama.

Q Has he been before the Commission? A No.

Q Is he here now? A No sir.

Q How old is he? A Twenty-seven.

Q And single? A Yes sir.

Q Did you ever have another brother? A Yes sir, one that died when he was small.

Q Have you any sisters living? A Yes sir, three.

Q Did you ever have any other sisters? A Yes sir, I have one sister dead.

Q How old was she when she died? A She was fifteen months old.

Q What is the name of the oldest one of your sisters? A Alice Massey.

Q Where does she live? A In Perry County, Alabama.

Q About how old is she? A She is twenty-nine.

Q Has she been before the Commission? A No sir.

Q What is her husband's name? A James Massey.

Q Has he any Choctaw blood? A Not that I know of.

Q Have they any children? A Yes sir, two.

Q What are their names? A The oldest one, a girl, is named Mary; the next one is John.

Q Where do they live? A In Perry County, Alabama.

Q What is the name of your next sister? A Nettie Wallace.

Q Where does she live? A In Perry County.

Q About how old is she? A She is twenty-two.

Q Has she been before the Commission? A No sir.

Q Is she here now? A No sir.

Q Is her husband living? A Yes sir.

Q What is his name? A Alгинал Wallace.

Q Have they any children? A No.

Q Has he any Choctaw blood? A Not that I know of.

Q What is the name of your other sister? A Amanda Massey.

Q Where does she live? A In Perry County, Alabama.

Q How old is she? A She is twenty.

Q What is her husband's name? A Reginald Massey.

Q Has he any Choctaw blood? A Not that I know of.

Q Has she been before the Commission? A No sir.

Q Is she here now? A No sir.

Q Have they any children? A Yes sir, two.

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Q What are their names? A Annie and Robbie.
Q Both girls? A Yes sir.
Q Has your mother any brothers living? A One.
Q What is his name? A David Martin.
Q Where does he live? A In Chilton County, near Plantersville.
Q About how old a man is he? A Must be forty.
Q Is his wife living? A Yes sir.
Q What is her name? A Emma Martin.
Q Have they any children? A Yes sir, two.
Q What are their names? A Arthur and Evie.
Q Has your uncle been before the Commission? A Yes sir.
Q Do you know when? A I do not.
Q Did your mother ever have any other brothers? A Yes sir.
Q How many? A There was three others.
Q What is the name of the oldest of the other brothers? A Robert, I believe.
Q Did he have any family at the time of his death? A No sir.
Q What is the name of the next brother? A James Martin.
Q Did he have any family at the time of his death? A No sir.
Q What is the name of the next brother? A ~~Elizabete~~ Eleazar.
Q Did he have any family at the time of his death? A Yes sir.
Q When did he die? A He has been dead about 13 years.
Q Is his widow living? A Yes sir.
Q What is her name? A Lula Martin, she has married a second time.
Q How many children had she by her first husband? A Three.
Q What are their names? A The oldest is Willie, next is Ed and the next is Annabell.
Q Are either of these children married? A Two of them are, I have heard.
Q Which ones? A Willie and Annabell.
Q Has Willie any children? A I don't know.
Q Do you know where he lives? A In Kentucky somewhere.
Q You don't know where? A No sir.
Q Where does the second boy live? A In Kentucky.
Q Where does Annabell live? A In Kentucky.
Q Do you know what her husband's name is? A No sir.
Q Do you know whether she has any children? A No sir, I don't know.
Q Now-is that all of your mother's brothers? A Yes sir.
Q Are any of your mother's sisters living? A Yes sir.
Q How many? A She has two living that I know of. There is one that is away; I don't know whether she is living or not.
Q What is the name of the one that is away? A Sarah Smith.
Q Do you know where she went? A No sir.
Q Do you know the names of the members of her family? A Yes sir, she had one son and two daughters.
Q What are their names? A The oldest one is Eleazar Smith, Lutitia and Maggie.
Q You don't know where any of that family are? A No sir.
Q Do you know whether any of the children are married? A I don't know that.
Q Are any of your mother's sisters dead? A Yes sir, three sisters dead.
Q Did any of them leave families? A Yes sir, all of them.
Q What is the name of the oldest one of the deceased sisters?
A Mary Milling.

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- Q What was her husband's name? A Robert Milling.
Q How many of her children are living? A She has four.
Q What are their names? A Robert Milling.
Q Is Robert married? A Yes sir.
Q How old is he? A He looks pretty old, about forty-five, I think.
Q Where does he live? A In Dallas County, Alabama.
Q Has he been before the Commission? A I don't know.
Q Is his wife living? A Yes sir.
Q What is her name? A Mollie Milling.
Q How many children have they? A I don't know.
Q Has his wife any Choctaw blood? A Not that I know of.
Q What is the name of the next one of these children after Robert?
A Sallie Carroll.
Q Where does she live? A Plantersville, Dallas County, Alabama.
Q Has she ever been before the Commission? A Yes sir, I think she has.
Q About how old is she? A About forty, I think.
Q Is her husband living? A Yes sir.
Q What is his name? A Reuben Carroll.
Q Has he any Choctaw blood? A Not that I know of.
Q Have they any children? A Yes sir.
Q How many? A I can't say, about ten, I think.
Q Do you know the names of all of them? A Some of them.
Q Give me the names of some of them? A The oldest one is Robert Carroll.
Q Is he married? A No sir. Next is Ada Wylie.
Q Is she married? A Yes sir.
Q Next one? A Spurgeon Carroll.
Q Is he married? A No sir.
Q Has Ada Wylie any children? A Not that I know of.
Q Where does she live? A In Dallas County, Alabama.
Q Has she been before the Commission? A I don't know.
Q Do you know whether any of this family have been before the Commission? A I think Mrs. Carroll has.
Q What are the names of some of the other children? A Terney and Reuben.
Q Do you know any others? A No sir.
Q What is the name of another child of Mary Milling? A Eleazar.
Q How old is he? A Must be about thirty-eight.
Q Is he married? A Yes.
Q Where does he live? A In Bibb County, Alabama.
Q Has he been before the Commission? A I don't know.
Q Is his wife living? A Yes sir.
Q What is her name? A Lizzie Milling.
Q Have they any children? A Yes sir.
Q How many? A Five.
Q Do you know their names? A Yes sir.
Q What are their names? A Robert, Johnnie, Willie, Palestine and Ella.
Q Now, the next one of these children? A Tommie Milling.
Q How old is he? A He must be about thirty-five.
Q Is he married? A Yes sir.
Q Where does he live? A In Chilton County, Alabama.
Q Has he been before the Commission? A I don't know.
Q What is his wife's name? A Ida.
Q Have they any children? A Yes sir.

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- Q How many? A Three.
- Q What are their names? A Ann, Pierson, and Cora.
- Q What is the name of another one of the children of your mother's sister Mary? A That is all of them.
- Q The next one of your mother's deceased sisters, what is her name? A Susan Hooks.
- Q How old would she be if she were living now? A She would be about fifty-seven.
- Q Is her husband living? A Yes sir.
- Q What is his name? A Marcus Hooks.
- Q Where does he live? A Selma, Alabama.
- Q Are any of her children living? A Yes sir.
- Q How many? A Six.
- Q What are their names? A Elizabeth Eaves.
- Q She is married? A Yes sir.
- Q What is her husband's name? A Will.
- Q Where does she live? A In Selma.
- Q Has she been before the Commission or has her husband? A Her husband has.
- Q Have they any children? A Yes sir, two.
- Q What are their names? A Maudie Lue and Pierson.
- Q The next one of these children? A Lula Hooks.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Will Hooks.
- Q She married a Hooks? A Yes sir.
- Q Has her husband any Choctaw blood? A Not that I know of.
- Q Have they any children? A No sir.
- Q Next one of the family? A Pierson Hooks.
- Q How old is he? A Twenty-five.
- Q Where does he live? A Selma.
- Q Is he married? A No sir.
- Q Has he been before the Commission? A He is here today.
- Q What is the name of the next one of the family? A Ettie Merritts.
- Q Is she here today? A Yes sir.
- Q How old is she? A About twenty-three.
- Q Is her husband living? A Yes sir.
- Q Where does she live? A In Birmingham.
- Q What is her husband's name? A Sam Merritts.
- Q Has he any Choctaw blood? A Not that I know of.
- Q Have they any children? A No sir.
- Q Is that all the family now? A There is another one, Willie Jowers, a girl.
- Q Where does she live? A In Birmingham.
- Q She has been before the Commission today? A Yes sir.
- Q Is her husband living? A Yes sir.
- Q What is his name? A I heard it but I can't call it.
- Q Have they any children? A No sir.
- Q Is that all of your mother's sisters children? A There is another one of this family Hooks.
- Q What is that child's name? A Lida D. Hooks.
- Q It isn't Eliza, is it? A I don't know.
- Q Who does that child live with? A It stays most of the time with her sister Mrs. Lula Hooks.
- Q Who else does it stay with? A Its father, in Selma.
- Q Has an application been made for it? A Yes sir.
- Q Who made that application? A Mrs. Lula Hooks.
- Q That is all of that family? A Yes sir.
- Q What is the name of your mother's other sister that is dead?

A Rebecca Eaves.
Q Is her husband living? A Yes sir.
Q Where does he live? A He lives in Dallas County, Alabama, I think.
Q What is his name? A Taylor Eaves.
Q Has he any Choctaw blood? A Not that I know of.
Q Are any of her children living? A Yes sir, three.
Q What are their names? A The oldest one is Alonso Eaves.
Q Is he married? A Yes sir.
Q How old is he? A Twenty-five.
Q Has he been before the Commission? A I don't think he has.
Q What is his wife's name? A Ellen Eaves.
Q Has she any Choctaw blood? A Not that I know of.
Q Have they any children? A One.
Q What is that child's name? A Rebecca.
Q What is the next one of this family? A Walter Eaves.
Q Is he married? A No sir.
Q Where does he live? A In Dallas County, Alabama, I think.
Q About how old is he? A Twenty.
Q What is the name of the next one? A Jimmie Eaves.
Q About how old is he? A About eighteen.
Q Not married, is he? A No sir.
Q Does he live in Dallas County? A Yes sir.
Q Do you know whether any application has been made for these two sons? A I don't think there has.
Q That finishes up all of your mother's deceased sisters' families?
A Yes sir.
Q How many sisters has your mother living? A There are three of them in this country.
Q What is the name of the oldest one of the three that are living--there are only two sisters besides your mother? A Yes sir.
Q What is the name of the oldest one? A Emily Eaves.
Q Is she the identical Emily Eaves who appeared before the Commission here today? A Yes sir.
Q What is your mother's other sister's name? A Martha Wright.
Q Where does she live? A In Dallas County, Alabama.
Q About how old is she? A She is about sixty-three.
Q Has she been before the Commission? A I think she has.
Q Is her husband living? A No sir.
Q Has she ever been married more than once? A No sir.
Q What was her husband's name? A William Wright.
Q Did he have any Choctaw blood? A Not that I know of.
Q Has she any children living? A Yes sir.
Q How many? A Five.
Q What is the name of the oldest? A Jimmie Wright.
Q How old is he? A About thirty-three.
Q Is he married? A Yes sir.
Q Where does he live? A In Dallas County.
Q Has he been before the Commission? A Yes sir, I think he has.
Q Is his wife living? A Yes sir.
Q What is her name? A I don't know.
Q Have they any children? A Yes sir, two.
Q Has his wife any Choctaw blood? A Not that I know of.
Q What are the names of these children? A I don't know.
Q What is the name of the next member of this family? A Mitchell Wright.
Q About how old is he? A About twenty-nine.

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- Q Where does he live? A In Dallas County, Alabama.
Q Has he been before the Commission? A I think he has.
Q Is he married? A Yes sir.
Q Is his wife living? A Yes sir.
Q Has she any Choctaw blood? A Not that I know of.
Q What is her name? A Callie.
Q Have they any children? A Yes sir, one.
Q Do you know its name? A No sir, I don't know.
Q What is the name of the next member of this family? A Robert Wright.
Q How old is he? A Twenty-six.
Q Where does he live? A In Perry County, Alabama.
Q Is he married? A Yes sir.
Q Has he been before the Commission? A I don't know.
Q Is his wife living? A Yes sir.
Q What is her name? A Ola Wright.
Q Has she any Choctaw blood? A Not that I know of.
Q Have they any children? A Yes sir, two.
Q Do you know their names? A The oldest one's name is Lee.
Q Next one? A Don't know.
Q What is the name of the next member of this family? A Tom Wright.
Q How old is Tom? A Twenty-four.
Q Where does he live? A Dallas County, Alabama.
Q Has he been before the Commission? A I don't know.
Q Is he married? A No sir.
Q What is the name of the next member of this family? A David Wright.
Q How old is he? A Eighteen.
Q Where does he live? A Dallas County, Alabama.
Q Do you know whether any application has been made for him?
A I don't know.
Q That is all of them is it? A There is one girl, Rebecca Wright.
Q How old is Rebecca? A Fourteen.
Q Do you know whether any application has been made for her? A I don't know.
Q Does she live with her mother? A Yes sir.

This applicant has every appearance and characteristic of a white woman. She shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 1st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 2nd day of October, 1901, at Meridian, Mississippi.


Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Annie Atchison,

64 Florence St.,

Selma, Ala.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED *Tamc Dixby.*

Registered.

Acting Chairman.

COPY.

M.C.R. 3671

Muskegee, Indian Territory, November 12, 1902.

Annie Atchison,

#64, Florence Street,

Selma, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippet, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

(SIGNED)

James H. Hester

Acting Chairman.

M.C.R. 3671.

Muskogee, Indian Territory, December 21, 1903.

Annie Atchinson,
64 Florence Street,
Selma, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

A. A., -2-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MCR-3671

Muskogee, Indian Territory, January 17, 1907.

Annie Atchison,
64 Florence Street,
Selma, Alabama.

Dear Madam:

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

1419

No. 3671

For Identification as a Mississippi Choctaw.

Date

Name Annie Atchison

Age 25

Blood

1/16

64

Florence St.

Post Office, Selma, Ala.

Father:

John Campbell

d

Mother:

Missouri

"

L

Claims through mother

Luther Atchison

L

No claim for husband

Children:

Luther D. Atchison

4

Edward

"

1

(Claims for self and
2 minor children)

Stenographer

Ira Hiles

Choctaw MCR 3672

Joe Walker

See MCR 3768

MCR 3672

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Joe Walker, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Joe Walker, et al.,	M.C.R. 3672
Victoria Walker,	M.C.R. 3768

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List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Joe Walker, et al.

	(Page)
Original application of Joe Walker, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Alpha Garland-----	7
Affidavit of Alily Colbert-----	8
Original application of Victoria Walker before the Dawes Commission for identification as a Mississippi Choctaw-----	9
Testimony of Joe Walker-----	12
Decision of the Commission refusing the consolidated application of Joe Walker, et al., for identification as Mississippi Choctaws-----	15

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Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 4, 1901.

3672

In the matter of the application for identification as Mississippi Choctaws of Joe Walker and his five minor children, John H., Irena, Cora Bell, David B., and Arthur B. Walker.

Applicant not represented by attorney.

Joe Walker being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Joe Walker.
Q What is your age? A I am forty-six.
Q What is your post-office address? A Allen, Indian Territory.
Q How long have you lived at Allen? A Two years.
Q Where did you live before you lived there? A Right here around Atoka for fifteen years.
Q In the Choctaw Nation? A Yes sir.
Q Before that where did you live? A In Texas for five years.
Q Where did you live in Texas? A In Cook and Wise County.
Q Where did you live before that? A In Missouri.
Q Were you born in Missouri? A No In Mississippi.
Q What place in Mississippi? A Right close to Blackwater it was twenty-five miles from Memphis.
Q In Mississippi? A Yes in Mississippi.
Q How old were you when you left Mississippi? A Seven years old.
Q Where did you go to from Mississippi? A To Illinois.
Q What place in Illinois? A Ashley.
Q And how long did you live there? A Until I was ten years old.
Q And then went to what state? A To Missouri.
Q And how long did you stay in Missouri? A I stayed in Munroe County, Missouri about three years.
Q And then you went to where? A To Texas and from Texas to the Indian Territory.
Q What is your father's name? A William Walker.
Q Is he living? A No.
Q Is your mother living or dead? A She was living the last account I had of her. She was living in Arkansas.
Q What is her name? A Moore, Nancy Moore is the name she goes by.
Q She was re-married again? A Yes.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A My grandfather was one-half breed and my grandmother on my father's side was a full blood.
Q How much do you claim? A How much would it be.
Q You will have to make a claim. You claim through both parents? A No only my grandfather, on my father's side.
Q Well now you can't tell how much you claim, is that it? A No I could not.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I don't know he might if I was very young.
Q Are you married? A Yes sir.

- Q What is your wife's name? A Elizabeth.
- Q Is she Indian or a white woman? A She is a white woman.
- Q You don't make any claim for her? A No sir.
- Q Have you any children under twenty-one years of age and unmarried? A I have got five.
- Q What is the name of the eldest one? A John H. Walker.
- Q How old is he? A He is nineteen.
- Q What is the next? A Irena.
- Q How do you spell that? A I-r-e-n-a I think is the way she spells it.
- Q How old? A She is seventeen.
- Q Next? A Cora Bell Walker.
- Q How old? A She is fourteen now.
- Q Next? A David B. Walker? A How old? A Twelve years.
- Q Next? A Arthur B. Walker
- Q How old? A Four years old.
- Q Is that all? A Yes sir.
- Q Is Elizabeth Walker the mother of these children? A Yes sir.
- Q You are the father? A Yes sir.
- Q They live with you at your home? A Yes sir.
- Q When and where were you married to your wife Elizabeth? A In Reynolds County, Missouri.
- Q When? A I have just forgot the date. We have been married though
- Q Were you married by a minister under a license? A I was married under a minister but we had no license. He reported it.
- Q Have you any proof of your marriage with you? A None with me.

A reasonable time will be allowed you in which to produce evidence of your marriage to your wife Elizabeth and also proof of the marriage of your father and mother.

- Q You know when they were married? A No.
- Q You have seen no record of their marriage anywhere? A No they were married in Mississippi near Memphis.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A How did you speak that?
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No never did before. No, my granddaddy's name is here on the book, Jonathan Walker.
- Q He is here on the roll? A Yes.
- Q On what roll? A On the Choctaw roll, I believe it is the old roll.
- Q The Mississippi Choctaw roll? A Yes sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children under the act of Congress of June 10, 1896? A No sir I have not.
- Q Have you ever been made a citizen, either you or your children by the Choctaw tribal authorities, The United States Court in Indian Territory, or the Dawes Commission? A No sir.
- Q Have you ever before this time made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Do you now come before this Commission for the purpose of identification yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q You understand that article of the treaty? A No just what I have read. I have not yet read it.
- Q Do you think you understand it? A I think I do.

- Q Do you think you understand it? A I think I do.
 Q What does it say then, what does it provide if you understand it? A I am a kind of a stranger to it.

The treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw tribe of Indians at place called Dancing Rabbit Creek in Mississippi in 1830. The object of that treaty was the removal of all the Choctaw Indians who lived then in Mississippi and Alabama in what was called the old Choctaw Nation to the New Choctaw Nation Indian territory but before the treaty was signed it became apparent that a great many Choctaws did not want to go to the Indian Territory and in order that their interests might be protected article fourteen was put into the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that? A Yes tolerably.
 Q Do you know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A I don't know I have not seen any of them since I left Mississippi?
 Q Were any of your Choctaw ancestors, to your knowledge, recognized members of the Choctaw tribe of Indians in Mississippi in 1830, that is did they live with the Indians as the Indians do apart from the white people? A Well Indians and Choctaws and all.
 Q You do not know if they were recognized members of the Choctaw tribe? A No.
 Q You claim through your father? A Yes sir.
 Q He claimed through which parent? A He claimed through both.
 Q What was his father's name? A Jonathan Walker.
 Q How much Choctaw blood did he have? A He had a half.
 Q What was his mother name, Jonathan's wife's name, did he claim through her too? A She was a Sexton before she was married.
 Q What was her name? A Well now I can't tell you for certain.
 Q That was your grandmother. Don't you know her name? A She was dead before I was born.
 Q How much Choctaw blood did she claim? A She was full, that is what they always told me.
 Q Now your father would have how much Choctaw blood, if his father was one half? A One-quarter.
 Q One-quarter from his father and one-half from his mother? A Yes.
 Q That would make your father three-quarters would it not? A Yes.
 Q And you one-half of that would it not? A Yes sir.
 Q What is one-half of three quarters? A Three eighths.

- Q That is what you claim? A Yes sir.
- Q You don't know Jonathan's wife's name? A No only her maiden name? A
- Q Do you know her father's name or her mother's name? A No.
- Q Do you know your grandfather's father's or mother's name? A No sir.
- Q Your father is dead? When did he die? A I just can't tell you he died when I was a little infant.
- Q He died when you were about how old? A I was something like three or four months old.
- Q You are forty-six? A Yes sir.
- Q Well he died forty-five years ago? A Yes sir.
- Q About how old was he when he died? A Lets see---about twenty-one
- Q He was young then? A Yes he was young.
- Q If he died forty five years ago and was twenty-one years old when he died, he would be about sixty-six years old if he were living now? A Yes sir.
- Q Where was he born? A In Mississippi.
- Q Sixty-six years ago, was he the oldest one in his family? A He was the youngest.
- Q How much elder were his brothers and sisters? A I could not say
- Q Was Jonathan Walker living in Mississippi in 1830? A Yes sir.
- Q Did he have a family there at that time? A Yes sir.
- Q When did Jonathan Walker die? A I can't tell you that. He died since I left. I heard some old lady up here tell me that he died about nineteen years ago.
- Q How old was he when he died? A I don't know.
- Q Was he an old man? A Yes sir.
- Q Do you know when his wife died? A She died before I was born.
- Q Did either Jonathan Walker, or your grandfather or his wife own any improvements on land in Mississippi in 1830? A Yes sir they had a big farm there at that time.
- Q At that time? A Yes sir.
- Q What proof have you that they had a big farm there? A Only what I heard mother say.
- Q Ever hear your father say so? A No sir.
- Q Where did they get that farm. Did they buy it or did they just simply take up land there? A I can't say.
- Q Did you ever see any deed of it or hear of any deed to it? A No sir.
- Q What became of that land? A I don't know sir..
- Q Do you know where in Mississippi it was located? A No sir I don't know where it was.
- Q You don't know anything about it? A No sir only just a little about how the place layed.
- Q What do you know about that? A It layed a kind of in a bend of a Creek.
- Q How do you know it did? A I have seen it.
- Q Can you tell what County it is in? A It is close to the line of Tennessee, tolerably close. I don't know just how far.
- Q You don't know anything about what disposition was made of it? A No sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama with the other Indians to the Choctaw Nation Indian Territory between the years 1833 and 1838? A I think they did. I am not positive.
- Q Who went to the Choctaw Nation Indian Territory? A I could not say.
- Q Did Jonathan Walker go? A I have heard them say that he did.
- Q You have heard them say that he went to the Indian Territory? A Yes, my mother.
- Q Who was it that you say you heard say that he went to the Indian Territory? A Well I could not be positive who it was.

- Q Do you know when he went? A No I don't know for certain.
- Q Have you any evidence about that at all or have you any witnesses who would know? A No.
- Q Did any of your ancestors within six months after this treaty was ratified go to the United States Indian Agent and tell him that they wanted to stay and take land in Mississippi? A No sir.
- Q Do you know if any of your Choctaw ancestors claimed or received any land under article fourteen of the treaty of 1830? A No I could not say.
- Q Did any of your Choctaw ancestors claim any benefits under any other article than article fourteen of the treaty or under the supplement of the treaty? A I could not say.
- Q Do you claim under the whole of the treaty of 1830 or under any particular part or section of it? A I reckon I claim under the whole.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the government directed an Indian Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens. The records of the government show that this Indian Agent failed to record the names of many Choctaws who really signified to him their intention of remaining in Mississippi and taking advantage of article fourteen of the treaty of Dancing Rabbit Creek. As the result of this neglect many Indians lost the land they had and also the improvements on it. This action of the government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress and Congress passed an act which was approved March 3, 1837, appointing a Commission, which Commission went to the State of Mississippi and heard claimants who claimed benefits under article fourteen of the treaty of 1830 and made lists of their names. In 1842 another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors appear before either of these Commissions, that of 1837 or the Commission of 1842 and claim benefits under article fourteen of the treaty, do you know? A No I don't know.

The act of Congress approved August 23rd 1842 provided that in case it should appear that any claimant had proven his rights before that Commission under article fourteen of that treaty and if it also further appeared that his land had been taken from him, he should be entitled to select land either in Mississippi, Louisiana Alabama or Arkansas and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A I don't think they did. I never seen any.
- Q Do you want to introduce these affidavits? A Yes sir.

*Affidavit of Alphon Garland present by this applicant received marked exhibit "1" filed and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to file further documentary evidence in support of this application.

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- Q Is there anything else that you want to say about your claim?
A No nothing more.
Q You don't speak Shoshoni? A No.

The applicant in this case has the appearance and physical characteristics of being a white man. He does not speak the Shoshoni language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1855.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission on the Five Civilized Tribes he reported in full all the proceedings had in the above entitled case on October 4th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of November 1901.

Charles Mitchell
Notary Public.

gal.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Walker, et al., for
identification as Mississippi Choctaws, consolidating the applications
of --

Joe Walker, et al.,	M.C.R. 3672
Victoria Walker,	" 3768

----- D E C I S I O N -----

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Joe Walker for himself and his five minor children, John H., Irena,
Cora Bell, David B. and Arthur B. Walker, and by Victoria Walker for
herself, under the following provision of the act of Congress approved
June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto, and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Jonathan (or Jonithan) Walker, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the testimony that the said Jonathan (or Jonithan) Walker's wife was a full-blood Choctaw Indian and that her maiden name was Sexton, or Sixtown, but her given name is not stated; and it is therefore impossible for the Commission to ascertain whether or not she was a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jonathan (or Jonithan) Walker, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions

authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joe Walker, John H. Walker, Irena Walker, Cora Bell Walker, David B. Walker, Arthur B. Walker and Victoria Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tamie Birby

Acting Chairman.

(SIGNED)

T. B. Needice

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Okaloosa, Indian Territory.

JAN 2 1903

Muskogee, Indian Territory, October 30, 1901.

Joe Walker,

Allen, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Alily Colbert, offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Chostaws. The same has been filed with the record in this case, and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

MC 3672

Muskogee, Indian Territory, September 6, 1902.

Joe Walker,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask to be advised of the present status of your case, and if the proof furnished is sufficient for your identification as a Mississippi Choctaw.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and your minor children as Mississippi Choctaws. No decision has yet been rendered nor opinion reached relative to the right of yourself and children to be identified as Mississippi Choctaws. When a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

The Commission cannot render any opinion upon the sufficiency of evidence submitted in support of applications for identification as Mississippi Choctaws until the cases are taken up for final consideration and decision.

Yours truly,

Acting Chairman.

GOP

M.C.R. 3672

Waskagee, Indian Territory, January 2, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joe Walker, et al., embracing the following applications for identification as Mississippi Choctaws:

Joe Walker, et al.,
Victoria Walker.

M.C.R. 3672
M.C.R. 3768

These applications were made under the provision of the act of Congress of June 25, 1900 (30 Stat., 493).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joe Walker, John H. Walker, Irene Walker, Gera Hall Walker, David B. Walker, Arthur B. Walker and Victoria Walker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be

Forwarded to the Secretary of the Interior through the Commissioner
of Indian Affairs.

Respectfully,

Tamie Dixby.
Acting Chairman.

COPY.

Washoe, Indian Territory, January, 2, 1903.

Joe Walker,

Allen, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joe Walker, et al., embracing the following applications for identification as Mississippi Choctaws:

Joe Walker, et al.,
Victoria Walker,

M.C.R. 3472
M.C.R. 3768

These applications were made under the provision of the act of Congress of June 23, 1902 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to take and administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joe Walker, John H. Walker, Irene Walker, Gena Bell Walker, David B. Walker, Arthur B. Walker and Victoria Walker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Davis

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Joe Walker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 2, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Joe Walker, et al.
Victoria Walker

M.C.R. 3672
M.C.R. 3768

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
Enc, M.C.R. 3672.

M C R 3672 ✓
M C R 3768

Muskogee, Indian Territory, March 19, 1903.

Joe Walker,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask to be advised the status of your case.

In reply to your letter you are informed that on January 8, 1903, the Commission rendered its decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and on the same date you were notified by registered mail of the action of the Commission and that you would be allowed fifteen days from the date of said decision within which to offer arguments in support of your claim to be transmitted to the Secretary of the Interior.

The fifteen days heretofore granted you in this case, expired on January 17, 1903, and on January 19, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

D.C.23135-1903.
ITD.5570-1903
LRS

(Copy)

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EAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 13, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 19, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi, Choctaws, of Joe Walker and his minor children, John H., Irons, Cora Bell, David B. and Arthur B. Walker, and of Victoria Walker. You refused the applications January 2, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of Jonathan Walker, grandfather of the principal applicant, Joe Walker, it being alleged that said ancestor was a Choctaw Indian and resident of Mississippi in 1830. It also appears that the said Jonathan Walker's wife was a full blood Choctaw Indian, and that her maiden name was Sexton or Sixton; her given name is not stated.

Reporting July 10, 1903, the Commissioner of Indian Affairs states that the only Walker, who received land under article 14 of the Choctaw treaty, was a John Walker who resided in what is now Sumpter County, Alabama, and received lands in that county, and recommends that your decision be approved. A copy of the Commis-

-2-

sioner's letter is inclosed.

Comparing the information furnished by the records of the Indian Office with that furnished by the record in the case, the Department is of the opinion that the ancestor through whom the applicants claim was not identical with the John Walker who resided in Alabama in 1830, and who received land under article 14 of the Choctaw treaty. Your decision is accordingly affirmed.

Respectfully,

(signed) E. A. HITCHCOCK,

Secretary.

1 inclosure.

Land
5072--1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, July 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application of Joe Walker for himself and his five minor children, John H., Irene, Cora Belle, David B. and Arthur D. Walker, and by Victoria Walker for herself, for identification as Mississippi Choctaws wherein a decision rejecting the applicants was rendered by the Commission on January 2, 1903.

The record in this case shows that the applicants base their claims to a right to identification on their descent from Jonathan Walker and his wife, first name unknown, whose maiden name was Sexton.

The Commission rejected the applicants for the reason that an examination of its records failed to show that Jonathan Walker or any ancestor of the applicants less remote either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

There was a John Walker who received land under the 14th article of the Choctaw treaty of 1830 who resided in what is now

Sumpter County, Alabama, and received land in that county. The applicants in this case give the name of their ancestor as Jonathan Walker and claim he lived in Mississippi in 1830. If their ancestor was a resident of Mississippi and was named Jonathan Walker, as they claim, he could not have been the John Walker who received land under the 14th article. The John Walker mentioned was the only Walker, the head of a family, who received land. This office has only the name of one son named Tandy, but there were in John Walker's family four children over and three under ten years of age.

In my judgment the record does not tend to connect the applicants with the beneficiary under the 14th article of the Choctaw treaty, and I therefore recommend that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. JONES,

Commissioner.

EBH-S

COPY

M.C.R. 3672

Muskogee, Indian Territory, August 27, 1903.

Joe Walker,

Allen, Indian Territory.

Dear Sir:

You are hereby notified that on the 13th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications of the several persons included in the consolidated case of Joe Walker, et al., for identification as Mississippi Choctaws, of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

(S)

Sam Dixby.

Chairman.

...PY.

M.C.R. 3672

Muskogee, Indian Territory, August 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joe Walker, et al., of which decision you were advised by mail on the 2nd day of January, 1903.

Respectfully,

Tamm Dacey.

Chairman.

Muskogee, Indian Territory, September 22, 1903.

Joe Walker,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you ask why your application was refused.

In reply you are informed that it appears from our records that on August 23, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws.

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842. No proof of this character has been submitted in

J W 2

support of your application for the identification of yourself and minor children as Mississippi Choctaws.

The Commission now considers your case closed.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 8, 1904.

Joe Walker,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 31st ultimo, enclosing a letter from Honorable Green McCurtain, Principal Chief of the Choctaw Nation, relative to your application for identification as a Mississippi Choctaw. You ask why you never received any answer to the affidavits of Afie Gardner and Patsy Hall.

In reply you are informed that on August 13, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on August 27, 1903.

The Commission now considers your case closed and it is not believed that you and your children are in any manner entitled to possessory rights in the tribal property of the Choctaws and Chickasaws.

Our records do not show that any such affidavits as those mentioned in your letter were ever filed in support of your claim.

The letter of Honorable Green McCurtain, dated July 23,

J V 2

1904, and forwarded with your letter of the 31st ultimo, is herewith returned.

Respectfully,

Commissioner in Charge.

MoM 7/8

REFER TO M. C. R. 3672

Joe. Walker et al

Consolidated Co

Jonathan Walker 1/2 D
married
Sexton full blood

William Walker 3/4 D
wife
Nancy E. Walker 2
married
Moore

me
36 1/2
Joe Walker 3/8 46
wife
Elizabeth Walker, W

me
37 1/2
Victoria Walker 21
me
36 1/2
John H Walker 19
Cora B. Walker 14
Irene Walker 17
David B Walker 12
Arthur B Walker 4

No. 3672

For Identification as a Mississippi Choctaw.

Date OCT -4 1901

Name Joe Walker

Age 46 - Blood $\frac{3}{8}$

Post Office, Allen, D. T. -

Father: William Walker

Mother: Nancy E. Moore,

Claims through father -
wife - Elizabeth - w.
No claim for wife -

Children:

John H. Walker, 19

Irena " 17

Cora B. " 14

David B. " 12

Arthur B. " 4

Claims for self &
children -

Stenographer G. R. Remington

Choctaw MCR 3673

Pauline Klopner

See MCR 2337

MCR 3673

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 4, 1902.

3673

In the matter of the application of Pauline Klopner for the identification of herself and her minor child as Mississippi Choctaws.

No attorney for applicant.

Pauline Klopner being first duly sworn testified as follows:

/ Examination by the Commission:

- Q What is your name? A Pauline Klopner, K-l-o-p-n-e-r.
Q What is your age? A Fifty two.
Q What is your post office address? A Fort Worth, Texas.
Q What street number? A 9213 E. 17th Street.
Q How long have you lived at Ft. Worth? A Twenty six years last January.
Q Where did you live before you lived there? A Cleburne, Johnson County, Texas.
Q Where were you born? A In Platte County, Missouri. I was born there in '49 and lived there till '66, and from there I went to Mobile, Alabama, I lived there till '70.
Q Then you went where? A To Cleburne, Texas.
Q You have lived in Texas since? A Yes sir.
Q What is your father's name? A James Griffin.
Q Is he living? A No sir.
Q What is your mother's name? A Elizabeth Griffin.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A Well, Well, I am a grand-daughter of Harriet Conner from Meridian, Mississippi- that's my grandmother.
Q Well, how much Choctaw blood do you claim? A Well, I believe a sixteenth; she was a quarter, my father an eighth and I am a quarter sixteenth.
Q About a sixteenth, you think? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes I have been; I am a widow.
Q What was your husband's name? A Louis Klopner.
Q He is dead? A Yes sir.
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A Yes, one boy.

- Q What is his name? A Paul L. Haggner.
- Q How old is he? A He was born on the 3rd. of September.
- Q What's all the children you have? A Two, under age.
- Q Is Louis Haggner the father of Paul L. H. A Yes sir.
- Q Is he living with you at your home? A Yes sir.
- Q When and where were you married to Louis Haggner? A In March 20, 1890 at White, Alabama.
- Q Is your name or that of your child on any of the tribal rolls of the Choctaw nation in the Indian Territory? A Not that I know of; unless then him father of mine put it down over in Mississippi.
- Q But it is not here? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Have you ever made application to the House Commission for citizenship in the Choctaw Nation under Act of Congress of June 10 1897? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Did you ever before this time make application for yourself or this child for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Is you now come before the Commission for the purpose of becoming identified as a Mississippi Choctaw and for the identification of your child as a Mississippi Choctaw under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q Did you ever read the treaty of 1830 or have it explained to you? A No sir.
- Q Do you know what a treaty is? A Yes sir.

The treaty was made between the United States and the Choctaw Indians in Mississippi at a place called Hunting Rabbit Creek on the 25th day of September, 1830. The object of the treaty was the removal of all the Choctaw Indians who lived in Mississippi and Alabama in the old Choctaw Nation there to the Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians wouldn't come to the Territory and in order to protect their interests article fourteen was put into the treaty; (an article is a part of a treaty and they are numbered from one up.) Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservations shall include the present improvement of the land of the family or a portion of it, because the claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that? A Yes sir.
- Q Did any of your Choctaw ancestors ever simply or attempt to comply with the provisions of this article fourteen as read to you? A Not that I ever knew of.
- Q What is the name of the ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Well, she is Harriet Conner.
- Q What was her maiden name? A Yes; well, Harriet Griffin.
- Q You claim through your father, James Griffin? A Yes, he is a brother of Harriet Buckalew and Thomas B. Griffin.
- Q Your father claimed through whom? A His mother.
- Q His mother's name was what? A Harriet Griffin.
- Q Do you know her father's or mother's name? A No sir, I was small when she died.
- Q Did she live in Mississippi? A Yes sir.
- Q Did she? A Yes sir.
- Q Was she living there in 1830- seventy years ago? A Yes, I suppose; she died in '89.
- Q How old was she when she died? A I can't tell you.
- Q Was she an old lady? A Yes, quite old.
- Q Did she always live in Mississippi? A They said she didn't; she came from Georgia.
- Q Was she born in Georgia? A I haven't been back there since '66.
- Q Do you know that she lived in Mississippi in 1830? A I don't know.
- Q You don't know whether she had a family there at that time? A No sir.
- Q What was the name of her husband? A John Griffin.
- Q When did your father die? A In 1898.
- Q How old was he when he died? A He was born in 1816.
- Q Where was he born? A Greene County, Mississippi.
- Q How long did he live in Mississippi? A I reckon he was living all his life there until he moved to Alabama in '66.
- Q He died in Mississippi? A No sir; in Alabama.
- Q Then he was living in Mississippi in 1830? A Yes sir.
- Q And Harriet Griffin, his mother, was living there at that time? A Yes sir.
- Q She must have had a family there? A Yes sir. My father said he was born in Mississippi in 1818 and was married to my mother before he was twenty.
- Q Did she speak the Choctaw language- Harriet Griffin? A I don't know; my father could.
- Q Did she have an Indian name; did she have any other name than this English name to your knowledge? A I don't remember.
- Q Did she own any improvements on land in Mississippi in 1830 or any time before that? A I can't tell you.
- Q Did she or any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1839? A I can't tell you.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1846 tell the United States Indian Agent whose name was Col. Ward, that she or they intended to stay in Mississippi and take land there? A I can't tell you.
- Q Did she or any other of your Choctaw ancestors own or claim any land in Mississippi under article fourteen of the treaty of 1830? A Not that I knew of.

Q Did she or any other of your Choctaw ancestors claim any land or any other benefits under any other article of the treaty of 1830 than article fourteen of the treaty of 1830 or under the supplement to that treaty? A Not that I knew of.

According to the provision of the fourteenth article of the treaty of Dancing Rabbit Creek, that is the treaty of 1830, the United States Government required that the Indian Agent who lived in Mississippi at that time to make a list of all Choctaw Indians who claimed rights under article fourteen of the treaty of 1830 within six months after the ratification of that treaty. The United States Indian agent failed to record the names of a great many Choctaw Indians who did make their declarations as required under article fourteen within the six months from the ratification of the treaty, and as a result of his neglect a great many Choctaws who had land in Mississippi had that taken from them by the Government- it was sold with the improvements. This led to a great many complaints by the Indians so that in 1837 a Commission was appointed by Act of Congress approved March 3, 1837, which Commission went to Mississippi and heard a great many claimants under article fourteen and put their names upon lists. In 1842 another Commission was appointed for the same purpose.

Q Do you know if any of your ancestors, Harriet Griffin or any other, appeared before either of these Commission, that of 1837 or 1842 and claimed benefits under article fourteen of the treaty of 1830? A Never heard of it.

The Act of Congress of August 23, 1842, provided that in the event of any claimant before it having proven his claim under article fourteen and if it also appeared that their land had been taken away from them by the Government, that they should receive and be entitled to select land in Arkansas, Alabama, Louisiana or Mississippi, and this land should be selected from vacant Government land in those States, and certificates issued to them to that effect. These certificates were called scrip.

Q Do you know whether any of your Choctaw ancestors appeared before that Commission and received such scrip from the Government? A No sir.

Q Have you any documentary evidence you want to file in support of your claim; any papers? A No sir.

Q From--give me the names of your kin folks who have appeared before the Commission? A Nancy B. Buckalew; Margaret D. Gun; Thomas B. Griffin; Gennor Griffin; Sam Griffin; Jim Griffin.

Q Wasn't there a Norman Griffin? A Yes sir; and his brother, William and Saburn; and there's John Gun too. Charlie and Ed Davis--the Davis' married and I don't remember their names.

Q There are a great many you don't remember? A Yes sir.

Q Do you want to have the evidence given by these different relatives of yours who appeared before the Commission at Meridian, Mississippi, for identification to be considered when yours is so that you can get the benefit of their testimony? A Yes sir.

Q You have no documentary evidence? A No sir.

A reasonable time will be allowed this applicant, in which to file documentary evidence in support of her application and the application she makes for her minor child; also for proof to be introduced of the marriage between her father and mother.

Q You had better introduce some testimony to that effect in support of your application.

Q Do you speak; how much Choctaw can you speak? A I used to could talk a few words when the Indians come around to my papa; I have forgotten it. I never heard him speak only when they come to the house.

This applicant has the physical characteristics of having descended from white parents; does not understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830; Has dark hair and blue eyes.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 4, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 26 day of October, 1901.

Clara Mitchell Wood
Notary Public.

Muskogee, Indian Territory, January 22, 1902.

Pauline Klopner,

Care Martin & Smith

211 1/2 Main Street,

Fort Worth, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of the eighteenth instant inclosing certified copy of the marriage license and certificate between Lewis Klopner and Pauline M. Griffin, offered in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same has been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

MC 3673

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M. C. R. 2337
M.C.R. 3673

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Pauline Klopner,
513 East 17th Street,
Fort Worth, Texas.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R. 3266
George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
Rosier S. Davis,	" 3282
Edward B. Davis,	" 3283
Evan M. Gavin, et al.,	" 3314
Lillie Jackson, et al.,	" 3320
Sam W. Griffin,	" 3321
Ada Powers, et al.,	" 3322
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Harriet Loper, et al.,	" 3566
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Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

COPY.

M C R 3673

Muskogee, Indian Territory, December 5, 1902.

Pauline Klopner,
513 E. 17th., Street.
Fort Worth, Texas.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Signed,

Acting Chairman.

No. 3673

For Identification as a Mississippi Choctaw.

OCT -4 1901

Date

Name Pauline Klopner.

Age 52

Blood 1/16

Post Office, Fort Worth, Texas,
513 East 17th St.

Father: James Griffin.

Mother: Elizabeth.

Claims through father —
Heretofore Louis Klopner. (d.)

Children:

Paul L. Klopner - 16

Claims for self
and child —

Stenographer H. S. Haine

Choctaw MCR 3674

Alice Dunmire

See MCR 2337

MCR 3674

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 4, 1901.

3674

In the matter of the application of Alice Dunmire for the identification of herself and her minor child as Mississippi Choctaws.

Applicant is not represented by attorney.

Alice Dunmire being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alice Dunmire; D-u-n-m-i-r-e.
Q You are a daughter of Pauline Klopner? A Yes sir.
Q What is your age? A Twenty six.
Q What is your post office address? A Ft. Worth, Texas.
Q What is your street number? A 513 E. 17th. Street.
Q How long have you lived at Ft. Worth? A I don't know how long have I lived there. Since 1876. I have been living away from there since.
Q Out of the State? A Yes sir.
Q Where have you been? A St. Louis, Missouri.
Q When did you live there? A I went there in about '95 I think.
Q And stayed how long? A Two years.
Q Then you went back to Ft. Worth? A Yes sir; and from there to Shreveport, Louisiana.
Q How long did you stay there? A Almost two years. One year last June.
Q How long have you lived at Ft. Worth continuously this last time? A I came up here on the 12th of last month I think from Shreveport, Louisiana.
Q Where were you born? A In Marysville, Jones County, Texas; I am a native of Texas.
Q Did you ever live out of that State except those times you have already stated? A No sir.
Q What is your father's name? A Louis Klopner.
Q Is he living? A No sir; he is dead.
Q Your mother's name is-? A Pauline Klopner.
Q She is living? A Yes sir.
Q She has just made application on the above date for identification as a Mississippi Choctaw? A Yes sir.
Q Do you want to have her testimony taken into consideration at the same time with yours and made a part of it? A Yes sir.

Q Through which parent do you claim Choctaw blood? A My mother.
 Q How much Choctaw blood do you claim? A Well, I don't know.
 Q Half of what your mother claimed? A She claimed a sixteenth.
 Q And you claim how much? A One thirty second.
 Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
 Q Are you married? A Yes sir.
 Q What is your husband's name? A Alfred Dunmire.
 Q Is he an Indian? A No sir.
 Q White man? A White? he is not very white; he is a Dutchman.
 Q You don't make any claim for him? A No sir; I believe not.
 Q How many children have you under age and unmarried for whom you wish to apply? A One.
 Q What is the name? A Its a girl; Susie.
 Q How old is Susie? A Eight; will be her next birthday.
 Q This is all the children you have? A Yes sir.
 Q Is Alfred Dunmire the father of Susie? A Yes sir.
 Q You are the mother? A Yes sir.
 Q Is she living with you at your home? A Yessir.
 Q When and where were you married to your husband? A Ft. Worth, the 22nd of June 1893.
 Q By a minister and under a license? A By a Justice of the Peace.
 Q Is your name or the name of this child on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
 Q Have you ever made application for yourself and child to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Did you make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under Act of Congress of June 10, 1896? And that is five years ago? A No sir.
 Q Were you ever admitted you or your child to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Did you ever before this time make application for citizenship for yourself and child to either the Choctaw tribal authorities or the United States authorities? A No sir.
 Q Do you now come before the commission for the purpose of identifying yourself and this child as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of the treaty of 1830? A Yes sir.
 Q You understand it fully so that you can claim under it; if not, I can explain it to you. A I would rather have it explained.
 Q Do you know what a treaty is? A Yes.
 Q What is a treaty? A Its when they offered to give the Indians a reservation.
 Q I don't mean what is that treaty; but I mean what is a treaty in general; is it a contract? A Yes sir.
 Q You know a treaty between persons is called a contract or agreement but between Nations it is called a treaty. Do you know what an article in a treaty is? A No sir.
 Q An article is one of the subdivisions of it. A treaty is divided up into articles and they are numbered from one up. In 1830 a treaty was made between the Choctaw Indians and the United States

Government at a place called Dancing Rabbit Creek in Mississippi the object of this treaty was the removal of all the Choctaw Indians who lived in part of the State of Mississippi and a small portion of the State of Alabama, in what was called the old Choctaw Nation to the new Choctaw Nation in Indian Territory. Before the treaty was signed by representatives of this Government and the Indians it became apparent that a great many Indians wouldn't go to the Indian Territory and in order to protect the interests of those Indians that stayed back there in Mississippi and to get the treaty signed article fourteen was put into the treaty; article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q You understand that all right, do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I can't tell; I don't know.

Q Do you know the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I know that my mothersays that my great grandmother's name was Harriet Connor- married John Griffin.

Q Did she live in Mississippi in 1830? A I don't know.

Q You heard your mother testify just a few moments ago? A Yes.

Q She testified that her father was born in 1818 and that he lived in Mississippi for a great many years? A Yes sir.

Q Do you know anything about that? A No sir.

Q You don't know anything more than what she testifies? A No sir.

Q As far as you have heard and as far as what you know from what you have heard in the family, do you understand that Harriet Griffin lived in Mississippi in 1830 and to have had a family at that time? A Yes sir.

Q Do you know whether or not she had improvements on land in Mississippi in 1830? A I don't know.

Q A great many of your relatives who have testified in Mississippi during the past two months and who claim through the same ancestor testify that they did live in Mississippi on what was called the old Griffin place; do you know anything about that? A No sir.

Q Do you know if she or any other of your Choctaw ancestors were recognized members of the Choctaw Nation in 1830? A I don't know.

Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Col. Ward, that they intended to stay there in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land or benefits under article fourteen of the treaty of 1830? A Not that I know of.

Q Did they ever receive any land or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.

Q You claim through your mother? A Yes sir.

Q And your mother through? A Her father.

Q What was his name? A James Griffith.

Q That's your grandfather? A Yes sir.

Q And he claimed through whom? A His mother.

Q And what was her name? A Harriet Griffith- Griffin, or Harriet Connor.

Q How do you know when Harriet Connor died? A No sir.

Q Or what age she was when she died? A No sir.

Q Do you know when her son, James Griffin, died? A Well, I just remember this late years.

Q Was he born in Mississippi? A I don't know; I will have to take Mama's facts for that.

Q You have heard her say that? A Yes sir.

Q Where did he die? A In Alabama.

Q You don't know anything further about your grandfather or grandmother? A No sir.

According to the provisions of the fourteenth article of the treaty of 1830 Col. Ward, who was the United States Indian agent living in Mississippi at that time was instructed by the Government to make a list of the Choctaw Indians all of them who came before him within six months after the ratification of the treaty of 1830 and declared their intention to stay in Mississippi and take land there; he neglected to do it: Ward's Register contains the names of but a few Indians of the total number who did go before him within the six months after the treaty as required by article fourteen, and as a result of this neglect a great many Choctaw Indians who held land in Mississippi upon which they had improvements had their lands taken away from them by the Government; although they had made the declarations and were entitled to hold that land, nevertheless that land was taken away from them by the Government and all the improvements were lost. This was an injustice and caused many complaints, and as a result, in March 3, 1837, a Commission was appointed and ratified which Commission went to Mississippi and heard claimants under article fourteen and made lists of their names. In 1842 another Commission was appointed by Act of Congress approved August 23, 1842, for a similar purpose; they went to Mississippi and made lists of Choctaw claimants under article fourteen.

Q Do you know whether Harriet Griffin or any of your Choctaw ancestors appeared before either of these two Commissions and claimed benefits under article fourteen? A No sir.

The Act of Congress approved August 23, 1848, provided that if it should appear that any claimant who came before that Commission had proved his rights under article fourteen and if his property had been taken from him by the Government he should be entitled to select land from Louisiana, Alabama, Arkansas or Mississippi, and that a certificate should be given to him to that effect; these certificates were called scrip.

Q Do you know whether any of your Choctaw ancestors received any such certificates or scrip from the Government as Choctaw Indians? A No sir.

Q Have you any documentary evidence you want to introduce now in support of your claim? A No sir.

Q Would you like a little time in which to introduce it? A Yes sir.

A reasonable time is allowed this applicant in which to file documentary evidence in support of her application for self and child, also for the introduction of proof of marriage of her father and mother.

Q Do you want to file this paper? A If it is necessary.

Q Well, it is not strictly necessary. A Well, file it.

Marriage certificate between Alfred Bunmire and Miss Alice Klopner, received, filed, marked Exhibit "A", and made a part of the record in this case.

Q You don't speak Choctaw? A No sir.

Q Is there anything more you want to say in support of your claim?

A I believe not; I have said about all I know about it.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, light complexion, brown hair; she does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1820.

Henry C. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on October 4, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on said date.

Subscribed and sworn to before me this 16th day of October, 1901.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.C.R. 3674

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Alice Dummire,

513 East 17th Street,

Fort Worth, Texas.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R. 3266
George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
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Belle Whitlock,	" 4566
Essie Carter,	" 4572

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"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

J. C. [illegible]

U. S. [illegible]

Registered.

COPY.

M C R 3674

Muskogee, Indian Territory, December 5, 1902.

Alice Dunmire,
513 East 17th., Street.
Fort Worth, Texas.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

No. 3674

For Identification as a Mississippi Choctaw.

Date OCT -4, 1901

Name Alice Hummie

Age 26 — Blood 1/32

Post Office, Fort Worth, Texas

Father; Louis Klopner d

Mother: Pauline " l

Claims through mother,
husband, Alfred Hummie, w.
No claim for husband

Children:

Susie — 8

Claim for self
and child

Stenographer M. G. Hamlin

Choctaw MCR 3675

Minnie McConkey

See MCR 2337

MCR 3675

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 4, 1901.

3678

In the matter of the application of Minnie McConkey for identification as a Mississippi Choctaw.

No attorney for applicant.

Minnie McConkey being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Minnie McConkey.
Q What is your age? A Twenty eight.
Q What is your post office address? A Ft. Worth Tex as.
Q What is your street number? A 513 E. 17th Street.
Q How long have you lived at Ft. Worth? A I don't know how long-
I have been living there (her mother tells her: "since 1875.")
Q Have you lived there since 1875? A Yes, in Texas.
Q Well, how long in Ft. Worth, do you know? A Been living there
three years.
Q The last three years? A Yes sir.
Q Where were you born? A In Johnson County, Cleburne---no,
Marysville, two or three miles from Cleburne, Texas.
Q Have you always lived in the State of Texas? A Yes sir.
Q What is your father's name? A Louis Klepner.
Q Is he living? A No sir.
Q What is your mother's name? A Pauline Klepner.
Q Is she living? A Yes sir.
Q Is it the same Pauline Klepner who has made application on the
above date for identification as a Mississippi Choctaw before the
Commission at Atoka? A Yes sir.
Q How much Choctaw blood do you claim? A No? My mother claimed
one sixteenth and I claim a thirty second.
Q You claim through your mother? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by either the Choctaw tribal
authorities or the authorities of the United States in the
Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Frank McConkey.
Q Is he a Choctaw Indian? A No sir.
Q What is he? A He is Irish.
Q Then he is white? A Yes sir.

- Q Do you make any claim for him? A No sir.
- Q Have you any children? A No sir.
- Q You claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or by the United States Court in Indian Territory? A No sir.
- Q Did you ever before this time make application for citizenship in the Choctaw Nation to either the Commission to the Five civilized Tribes or the United States officials? A No sir.
- Q Do you now appear before the Commission for the purpose of becoming identified as a Mississippi Choctaw claiming land in the Choctaw Nation, Indian Territory, under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article pretty well? A Yes sir.
- Q You don't want to have it explained to you? A No; I understand it; O, I listened when you explained it to mother and sister.
- Q And you think you understand it now sufficiently well without its being explained to you? A Yes sir.
- Q Do you care to have the article read? A Yes sir.

Article fourteen of the treaty of 1830 reads as follows: "each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that, do you? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of the this article fourteen as read to you? A No sir.
- Q What was the name of your Choctaw ancestor who lived in Mississippi in 1830 and was a recognized member of the Choctaw tribe at that time? A My grandmother.
- Q What was her name? A Griffin.
- Q That was your grandmother? A No, my great grandmother, Harriet Griffin.
- Q What was her maiden name? A Harriet Conner.

Q You claim through which parent? A My mother.
 Q She claims through which parent? A Her father.
 Q What was his name? A Jim Griffin.
 Q James Griffin? A Yes sir.
 Q And he claimed through whom? A His mother.
 Q Harriet Griffin? A Yes sir.
 Q How much Choctaw blood did she have, do you know? A A quarter, I believe she claimed.
 Q Could she speak the Choctaw language? A I don't know.
 Q Can you? A No sir.
 Q Can you count? A No sir.
 Q Did Harriet Griffin have a Choctaw name? Or any other name, as far as you know, except the one you know her by? A No sir.
 Q Do you know how old she would be? A No sir.
 Q Do you know when she died? A No sir.
 Q Do you know if her son, your grandfather, was born in Mississippi? A No sir. I only know what mother says.
 Q What did she say? A Yes sir.
 Q Do you know when? A No sir, I don't.
 Q Do you know as a matter of fact whether Harriet Griffin was living in Mississippi in 1830? A No sir, I don't.
 Q Haven't you heard in the family? A No sir.
 Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know.
 Q Did she or any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838? A Not that I know of.
 Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Col. Ward, who lived then in Mississippi, that they wanted to stay in Mississippi and take land there? A Not that I know of.
 Q Did any of your Choctaw ancestors ever claim or receive land in Mississippi under article fourteen of the treaty of 1830? A Not that I know of.
 Q Did they claim or receive any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.
 Q Do you claim under the whole treaty of 1830 or only under article fourteen? A I don't know.
 Q You claim everything in sight, don't you? A No sir.
 Q Well, you claim everything under whatever rights or laws there are that empower you to come here and make this application? A Yes.
 Q What I understand you-; you are claiming here under article fourteen of that treaty, are you? A Yes sir.

According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek the United States Indian Agent who lived in Mississippi in 1830, Col. Ward, was required by the Government to make a list of all the Choctaw claimants who came before him and declared their intention within six months after the ratification of the treaty of remaining in Mississippi and taking land there. This agent neglected to do his duty; he wanted to get them all to go to the Indian Territory and refused to put down a great many Choctaws' names who did appear before him and state their intention of remaining; as a result of this neglect of Col. Ward a great many Choctaw Indians had their lands taken from them by the Government which sold both land and improvement on it. This caused a great many complaints among the Choctaw Indians so that

in 1837 Congress appointed a Commission which heard a great many complaints and claimants and put their names on lists; in 1842 another Commission was appointed for the same purpose of hearing claimants under article fourteen and they also made lists of the successful claimants under that article of the treaty of 1830.

Q Do you know whether any of your ancestors appeared before either of these Commissions, that of 1837 or 1842, and claimed any benefits under article fourteen? A No sir I don't.

Under the Commission appointed in 1842 if it was shown that a Choctaw claimant had proved his claim under article fourteen but if it also appeared that his land had been taken away from him it was decreed that he should be entitled to select lands in Mississippi, Alabama, Arkansas or Louisiana, to be taken from the Public Lands in those States, and that certificates to that effect should be given to him; these were called scrip.

Q Do you know whether any of your ancestors received any such scrip from the Government as Choctaw Indians? A No sir.

Q Have you any documentary evidence that you want to introduce now? A No sir.

Q Is Alice Dunmire your sister? A Yes sir.

Q She appeared today, October 4, before the Commission for identification? A Yes sir.

Q And your mother, Pauline Klepner, also has appeared today?

A Yes sir.

Q You want to have their testimony considered with yours in order that you may get the benefit of their testimony? A Yes sir.

Q For-- give me the names of your relatives who appeared in Meridian, Mississippi. A Sam Griffin; George Griffin; Fannie Griffin.

Q What relation are you to Samuel B. Griffin? A He is mama's own cousin.

Q And Harriet Buckalew? A She is my great aunt.

Q Isn't Thomas B. Griffin your great uncle, then? A Yes sir.

Q What relation is Margaret Gun? A She is my great aunt too; my grandfather's sister.

Q Do you recall any others who are related to you and who claim through Harriet Griffin? A Yes sir.

Q There are a great many others, are there not? A Yes, there is about five hundred that claim.

Q Do you want to have their testimony considered with yours in order that you may get the benefit of their testimony, they claiming through the same common ancestor that you do, Harriet Griffin?

A Yes sir.

Q Have you any documentary evidence, papers of any kind, that you want to introduce now? A No sir.

Q Would you like to have time to introduce some? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce documentary evidence in support of her application for identification as a Mississippi Choctaw.

Q Is there anything further you want to say now in support of your application? A No sir.

Q You don't speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parents; hair is rather light, blue eyes; she does not speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 4, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 28 day of October, 1901.

Law Mitchell Wood

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.C.R. 3675

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Minnie McDonkey,

513 East 17th Street,

Fort Worth, Texas.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R. 3266
George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
Rosier S. Davis,	" 3282
Edward B. Davis,	" 3283
Evan M. Gavin, et al.,	" 3314
Lillie Jackson, et al.,	" 3320
Sam W. Griffin,	" 3321
Ada Powers, et al.,	" 3322
Fannie Bowles,	" 3323
Lucy J. Slay, et al.,	" 3324
Harriet I. Carmichael, et al.,	" 3325
Mary M. Dunnam, et al.,	" 3333
Deborah Ann McLendon, et al.,	" 3334
John E. McLendon,	" 3335
Rosier A. McLendon,	" 3336
Norman Gunn,	" 3345
Henry S. Gunn, Jr., et al.,	" 3346
Harriet Dedwylder, et al.,	" 3347
Lucy J. Boykin, et al.,	" 3412
Sallie Davis,	" 3413
John C. Nickels, et al.,	" 3432
Maggie Thornhill, et al.,	" 3434
James C. Denham, et al.,	" 3457
Eva Jopes, et al.,	" 3458
Eliza J. Denham, et al.,	" 3459
James W. Raley, et al.,	" 3460
Emma Britton, et al.,	" 3464
Sallie Jacobs, et al.,	" 3477
John F. Gunn, et al.,	" 3558
Margaret D. Gunn,	" 3559
Alice Gunn,	" 3560
George W. Gunn,	" 3563
James J. Gunn,	" 3564
Harriet Loper, et al.,	" 3566
Alice Loper,	" 3567
Alexander Gunn, et al.,	" 3568
Mattie M. Gunn,	" 3569
Mary E. Gunn,	" 3570
William A. Gunn, et al.,	" 3603
George F. Griffin,	" 3604
Pauline Klopner, et al.,	" 3673
Alice Dunmire, et al.,	" 3674
Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklew (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

COPY.

M C R 3675

Muskogee, Indian Territory, December 5, 1902.

Minnie McConkey,

513 E. 17th., Street.

Fort Worth, Texas.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

No. 3675

For Identification as a Mississippi Choctaw.

Date OCT -4 1901

Name Minnie McConkey

Age 28 Blood 1/32

Post Office, Fort Worth, Texas.
513 E. 17th St.

Father: Louis Keapner. d

Mother: Pauline " l

Claims through Mother

Husband & Frank " w

No claim for husband.

~~none~~

Claims for self
done -

Stenographer H. L. Kaine

Choctaw MCR 3676

William C. Merriman

See MCR 5382, 5380, 5381, 5350
5368, 5367, 5364, 5369, 5365
5370, 5424, 5428, 5371, 5427
5426, 5423, 5372, 5429

MCR 3676

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William C. Merriman,
 et al., for identification as Mississippi Choctaws, consolidating
 the applications of -

William C. Merriman, et al.,	M.C.R. 3676
Ethel Good, et al.,	" 5362
David L. Merriman,	" 5363
Gera Martin,	" 5364
Wiley E. Etheridge, et al.,	" 5365
Charles S. Etheridge, et al.,	" 5366
Minnie Etheridge,	" 5367
Bettie Etheridge,	" 5368
Arthur A. Etheridge,	" 5369
Ima Stach, et al.,	" 5370
Luther R. Etheridge,	" 5371
Flora Ward, et al.,	" 5372
Charles H. Ward,	" 5373
Bennie H. Ward,	" 5374
Bettie H. Ward,	" 5375
Mary Arnold, et al.,	" 5376
Nancy Wilson, et al.,	" 5377
William J. Wilson,	" 5378
Walter L. Wilson,	" 5379

----- **I N D E X** -----

List of papers forwarded to the Secretary of the Interior, comprising
 the record in the case of William C. Merriman, et al., M.C.R. 3676.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I.T. October 20, 1901.

2096

In the matter of the application for identification as Mississippi Choctaws of William C. Harrison and his five minor children Willie C., Lillie May, Herbert W., Winnie and Charles E. Harrison.

Applicant not represented by attorney.

William C. Harrison being first duly sworn testified:

Examination by the Commission

- Q What is your name? A William C. Harrison.
Q What is your age? A I will be thirty four years old the 28th day of next March.
Q What is your post-office address? A Geber, Fannin County, Texas.
Q How long have you lived there? A Since '86.
Q Where were you born? A In Tennessee.
Q Where in Tennessee? A Either in Obion or Weekly.
Q And lived there how long? A Until I was six years old.
Q And then went to where? A To Texas.
Q What place? A Wise County.
Q And you have always lived in Texas since you left Tennessee?
A Yes sir.
Q What is your father's name? A Theodore Harrison.
Q Is he living? A Yes sir.
Q What is your mother's name? A Elizabeth Harrison.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A According to our family record I claim one-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes sir.
Q What is your wife's name? A Louella.
Q White woman? A Yes sir.
Q You make any claim for her? A No sir.
Q How many children under age and unmarried? A Five under age.
Q What is the name of the eldest? A Willie C. Harrison, eleven.
Q Lillie May Harrison, nine. Herbert W. Harrison, seven, Winnie.
Q Girl? A Yes sir.
Q How old? A She was three last July.
Q Next? A Charles E. one year old next January.
Q Is Louella the mother of these children? A Yes sir.
Q You are the father? A I suppose so.
Q You claim for yourself and these children? A Yes sir.
Q And they are living with you at your home? A Yes sir altogether.
Q When and where were you married to Louella? A Nearly Geber.
Q Where? A The State of Ky '86.
Q Were you married by a minister and under a license? A Yes sir.
Q Have you your marriage license and certificate and do you wish to file it? A No not now.

A reasonable time will be allowed this applicant in which to introduce evidence of the marriage to his wife Louella.

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities to have yourself or your children enrolled as members of that tribe? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children under the act of June 10, 1906? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q This is the first application of any kind that you have ever made for yourself or children? A Yes sir.
- Q You now seek to be identified as a Mississippi Choctaw and to have identified your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I have heard it spoken of.
- Q You think you understand what it means and how goes to apply to your case? A Yes sir some claims that they is 640 acres to the head and I only claim 160 acres to the head.

Article fourteen is part of the treaty of 1830. That treaty was made between the Choctaw Indians and the United States government on the 27th day of September of that year at a place in Mississippi called Dancing Rabbit Creek. The treaty was made for the purpose of moving all the Choctaw Indians who lived in Mississippi and Alabama to the New Choctaw Nation Indian Territory but before it was signed it became apparent that a great many Indians would not go to the Choctaw Nation Indian Territory, so in order to protect the interests of these Indians article fourteen was made a part of the treaty. Article fourteen provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article sufficiently to claim under it? A Yes I claim under it.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A I could not tell you. I was young when I left home about the age of eighteen.

- Q What is the name of your ancestor who lived in Mississippi in 1830? A William Powell, that is where we get the blood.
- Q What kin was he to you? A William Powell's daughter was my grandfather's grandmother.
- Q You claim through your mother? A Yes sir.
- Q Her name was Elizabeth Harrison. What was her maiden name? A Elizabeth Ethridge.
- Q And she claims through? A Her father.
- Q And his full name was what? A Jesse Ethridge.
- Q Now Jesse Ethridge claimed through which parent? A His mother.
- Q What was her name? A Nancy Powell, she married Lewis Ethridge.
- Q She claimed through her father or mother? A She claimed through her father.
- Q William Powell? A Yes sir.
- Q Which of your Choctaw ancestors lived in Mississippi in the year 1830? A William Powell and Lewis Ethridge. In 1827 my grandfather was one year old. They moved to Tennessee.
- Q And his name was what? A Jesse Ethridge.
- Q He claimed through which parent? A His mother.
- Q Her name was? A Nancy Powell, was her maiden name. Nancy Ethridge was her married.
- Q Now she lived in Mississippi in 1830? A Yes sir.
- Q And her son, what was his name? A Jesse Ethridge.
- Q She lived in Mississippi in 1830 and had a son one year old, not in 1837 is that it? A Yes sir.
- Q Now her father's name was William Powell? A Yes sir.
- Q He was living also in Mississippi in 1830? A Yes sir.
- Q Do you know whether William Powell or whether His daughter Nancy Ethridge, whose maiden name was Nancy Powell were recognized members of the Choctaw tribe of Indians in 1830? A I suppose they were.
- Q Now do you know? A Yes they lived among the Indians.
- Q Were they recognized members of the Choctaw tribe, did they live with them, eat with them, speak with them? A I can't say that positively.
- Q Do you know of anybody that would be liable to know? A Yes sir.
- Q Some person living now? A Yes my grandfather's brother is still living in Tennessee.
- Q Do you think you can get his evidence in any form whatever? A Yes sir.

You will be given a reasonable time in which to get that evidence or testimony here.

- Q Did William Powell or Nancy Ethridge or any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I could not say.
- Q Did they go from Mississippi or Alabama to the present Choctaw Nation with the other Choctaw Indians between 1833 and 1838? A I could not say.
- Q Did any of your Choctaw ancestors or did Nancy Ethridge or William Powell within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Col. Ward and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I could not say.
- Q Did they ever claim or receive any land in Mississippi from the government of the United States under article fourteen of the treaty between the United States? A I could not say about that either.
- Q Did your ancestors, if Choctaw Indians, ever claim or receive any land under any other article than article fourteen of the treaty of 1830 or under the supplement of that treaty? A I could not say.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent who lived in Mississippi at that time, whose name was Col. Ward was directed by the government to make a list of all names of Choctaw Indians who came before him and claimed rights under article fourteen and who claimed such rights within six months after the ratification of said treaty of eighteen hundred and thirty. This United States Indian Agent failed to record the names of many Indians Choctaws, who came before him and made such declarations of intention to stay in Mississippi and take land there. This neglect on his part resulted in many of Choctaws who had land in Mississippi upon which they had improvements to lose both the land and the improvements. They were sold by the government at its public land sales. This action of the government caused many complaints among the Choctaws and matter was finally brought to the attention of Congress and Congress in 1837 appointed a Commission. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose. Both of these Commissions made lists of successful claimants who came before it.

- Q Did any of your Choctaw ancestors appear before either of these Commissions, that of 1837 or the Commission of 1842 and claim benefits under article fourteen of the treaty of 1830? A No sir I can't say.

The Act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him he should be entitled to select land elsewhere, either in Mississippi, Louisiana, Alabama or Arkansas, to be taken from vacant government lands. And, that certificates should be issued to this effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A No sir I don't know.
Q Have you any documentary evidence that you would like to introduce in support of your claim now? A No sir not now.

A reasonable time will be allowed this applicant in which to introduce documentary evidence in support of this application also to bring witnesses before the Commission in person to testify if he wishes?

- Q Do you speak Choctaw? A No.
Q You understand it? A I have heard a few words spoken but I never practiced it any.
Q Is there anything further that you want to say in support of your claim? A No sir I reckon not.

This applicant has the appearance and physical characteristics of being a white man, dark complexion, brown eyes and brown hair. He does not speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 15th 1881, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in

15
said cause on said date of October 1901.

A. Rosuinski

Subscribed and sworn to before me this 30th day of November 1901.

Charles M. [illegible]

Notary Public.

J.W.L.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William C. Merriman,
et al., for identification as Mississippi Choctaws, consolidating the
applications of -

William C. Merriman, et al.,	M.C.R.	3670
Ethel Goad, et al.,	"	5383
Edwin L. Merriman,	"	5380
Cora Martin,	"	5381
Wiley P. Etheridge, et al.,	"	5350
Charlie P. Etheridge, et al.,	"	5368
Minnie Etheridge,	"	5367
Hettie Etheridge,	"	5364
Arthur A. Etheridge,	"	5369
Ina Stack, et al.,	"	5365
Luther R. Etheridge,	"	5370
Flora Ward, et al.,	"	5424
Charles H. Ward,	"	5426
Bennie H. Ward,	"	5371
Hattie E. Ward,	"	5427
Mary Arnold, et al.,	"	5426
Nancy Wilson, et al.,	"	5423
William J. Wilson,	"	5372
Walter L. Wilson,	"	5429

D E C I S I O N -----

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by William C. Merriman for himself and his five minor children, Wil-
lie G., Lillie May, Herbert W., Winnie and Charles H. Merriman; by
Ethel Goad for herself and her three minor children, Grace, Violet

and Lena Good; by Edwin L. Harriman for himself; by Cera Martin for herself; by Wiley P. Etheridge for himself and his three minor children, Herley, Fannie and Carl Etheridge; by Charlie P. Etheridge for himself and his five minor children, Mattie, Roy, Iva, Glenn and Shannon Etheridge; by Minnie Etheridge for herself; by Nettie Etheridge for herself; by Arthur A. Etheridge for himself; by Ina Stack for herself and her two minor children, Birdie and Curtis Stack; by Luther H. Etheridge for himself; by Flora Ward for herself and her two minor children, Ernest and Everett; by Charles H. Ward for himself; by Bennie H. Ward for himself; by Hattie H. Ward for herself; by Mary Arnold for herself and her five minor children, Jesse, Isabell, Hattie, Etta and Lizzie Arnold; by Nancy Wilson for herself and her six minor children, Jacob L., Nellie M., Robert G., Hattie G., Benjamin F. and Flora J. Wilson; by William J. Wilson for himself and by Walter L. Wilson for himself, under the following provision of the act of Congress, approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Powell, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 16, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Powell, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie C. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lena Goad, Edwin L. Merriman, Cera Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charles P. Etheridge, Mattie Etheridge, Ray Etheridge, Iva Etheridge,

Gleam Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles H. Ward, Bonnie H. Ward, Mattie H. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Hannie Arnold, Nettie Arnold, Lissie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie H. Wilson, Robert G. Wilson, Hannie O. Wilson, Bonnie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tame Dixby.

Acting Chairman.

SIGNED

I. B. Needles

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 30 1903

Washington, Indian Territory, January 13, 1902.

William C. Harrison,

Norman, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of written petition of William C. Harrison and the petition of John Albertson and John Davis which you offer for filing in support of your application for the identification of yourself and your minor children as lawfully adopted. The same have been filed with the record in your case and will receive consideration in the disposition of your application.

Very truly,
Commissioner in Charge.

Commissioner in Charge.

W. C. H.

Muskogee, Indian Territory, February 6, 1902.

W. C. Merriman,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of marriage certificate between W. C. Merriman and Lula Carter, offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same has been made a part of the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Acting chairman.

Miss. Choctaw 3676

Muskogee, Indian Territory, April 16, 1902.

Theodore Merriman,
Chico, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 12, stating that your son, William C. Merriman, has already made application for a home; that he claims this right through his mother, and that you have seven other children who also wish to make application, and you ask if it will be necessary for them all to appear, or if you will be permitted to make application for them; that your wife also has three sisters and a brother, with large families, and you ask to be advised when the rolls will close, and if they should all be here by the first of next month.

In reply to your letter you are advised that it appears from our records that William C. Merriman has applied to this Commission for the identification of himself and five minor children as Mississippi Choctaw, and that no decision has yet been reached nor opinion rendered relative to his claim. You are further advised that if your wife claims as a descendant of a Choctaw Indian who complied with the provisions of the fourteenth article of the treaty of

1830, and wishes to prosecute a claim for identification as a Mississippi Choctaw, she will be heard, upon her personal appearance at the office of the Commission at Muskogee, Indian Territory, at which time a proper record will be made of her case. She will be permitted to make application at that time for her minor, unmarried children, but those children who are over age or married must make their own applications.

The fourteenth article of the Treaty of 1830 above referred to, is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Relative to that part of your letter in which you inquire whether you would have any rights through your marriage to your wife, you are advised that the authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is found in the following provision of the twenty first section of the act of Congress of June 22, 1830:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This provision of law empowers the Commission to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under the fourteenth article of the treaty of 1830, and no law is known to the Commission whereby white persons who have intermarried with claimants as descendants of Choctaw Indians who lived in Mississippi in 1830 and complied with the provisions of the fourteenth article of the treaty of 1830, acquire any rights by such marriage.

No date is now effective for the closing of the rolls of the Choctaw and Chickasaw Nations, but if your wife and her relatives desire to make an application under the provisions of the law and the treaty above quoted, it is suggested that they do so as early as practicable.

Yours truly,

Acting Chairman.

H. S. S. 1908.

Mustogee, Indian Territory, December 8, 1908.

Myr Arnold,

Shico, Texas.

Dear Madam:

Receipt is hereby acknowledged of the joint affidavit of yourself and Nancy Wilson offered for filing in support of the consolidated Mississippi Choctaw case of William S. Harrison, et al.

The same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 30, 1903.

Kansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of January, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5380
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Hansy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the Act of Congress of June 23, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William

G. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Fame Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 30, 1903.

William C. Merriman,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	" 3302
Edwin L. Merriman,	" 3300
Gera Martin,	" 3301
Wiley P. Etheridge, et al.,	" 3350
Charlie P. Etheridge, et al.,	" 3368
Ninnie Etheridge,	" 3367
Bettie Etheridge,	" 3364
Arthur A. Etheridge,	" 3369
Ina Stack, et al.,	" 3365
Luther R. Etheridge,	" 3370
Flora Ward, et al.,	" 3424
Charles E. Ward,	" 3428
Bennie E. Ward,	" 3371
Hattie E. Ward,	" 3427
Mary Arnold, et al.,	" 3426
Nancy Wilson, et al.,	" 3423
William J. Wilson,	" 3372
Walter L. Wilson,	" 3429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie C. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Rachel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Oera Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bessie E. Ward, Mattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lissie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bessie F. Wilson, Flora J. Wilson, William J. Wilson, and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Signed,

Tamie Blaxby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William C. Merriman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 30, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

William C. Merriman, et al.	M.C.R. 5376
Ethel Good, et al.	M.C.R. 5382
Edwin L. Merriman	M.C.R. 5380
Sora Martin	M.C.R. 5381
Wiley P. Etheridge, et al.	M.C.R. 5380
Charlie P. Etheridge, et al.	M.C.R. 5380
Signia Etheridge	M.C.R. 5387
Hattie Etheridge	M.C.R. 5384
Arthur A. Etheridge	M.C.R. 5389
Ira Stock, et al.	M.C.R. 5385
Luther E. Etheridge	M.C.R. 5370
Flore Ward, et al.	M.C.R. 5424
Charles E. Ward	M.C.R. 5426
Bennie E. Ward	M.C.R. 5371
Hattie E. Ward	M.C.R. 5427
Mary Arnold, et al.	M.C.R. 5428
Fanny Wilson, et al.	M.C.R. 5425
William J. Wilson	M.C.R. 5373
Walter L. Wilson	M.C.R. 5422

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys

Hon. Sec. Int., --2

for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also transmitted herewith, argument by William C. Harriman, the applicant in chief, in relation to this case, filed with the Commission subsequent to the rendition of the decision herein.

Respectfully,

(SIGNED).

Jame Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 3076

(COPY).

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 19, 1903.

Land.
11798-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith, for your consideration, the record and proceedings of the Commission to the Five Civilized Tribes, in the matter of the consolidated application of the following parties:

William C. Merriman, for himself and his five minor children, Willie G., Lillie May Herbert W., Winnie and Charles E. Merriman; by Ethel Goad for herself and her three minor children, Grace, Violet and Lema Goad; by Edwin L. Merriman for himself; by Cora Martin for herself; by Wiley P. Etheridge, for himself and his three minor children, Herley, Fannie and Carl Etheridge; by Charlie P. Etheridge, for himself and his five minor children, Mattie, Roy, Iva, Glenn and Shannon Etheridge; by Minnie Etheridge, for herself; by Nettie Etheridge, for herself; by Arthur A. Etheridge for himself; by Ina Stack for herself and her two minor children, Birdie and Curtis Stack; by Luther R. Etheridge, for himself; by Flora Ward for herself and her two minor children, Ernest and Everett; by

Charles E. Ward, for himself; by Bennie E. Ward, for himself; by Hattie E. Ward, for herself; by Mary Arnold, for herself and her five minor children, Jesse, Isabell, Nannie, Ettie and Lissie Arnold; by Nancy Wilson for herself and her six minor children, Jacob L., Nellie M., Robert G., Nannie O., Bennie F. and Flora J. Wilson; by William J. Wilson, for himself; and by Walter L. Wilson, for himself, wherein a decision adverse to the applicants was rendered by the Commission January 30, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from one William Powell, who is alleged to have been a full blood Choctaw Indian, and a resident in Mississippi at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear on their record, among the names of those who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, nor does it appear from their records that he applied to either of the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if any he had, as a Choctaw Indian. The Commission give as an additional reason for rejection that none of the applicants have ever been enrolled.

as citizens of the Choctaw Nation.

A careful examination has been made of the records of this office with reference to the name of William Powell, and it is discovered that his name does not appear among the names of those who complied or attempted compliance with the provisions of the fourteenth article of the Choctaw treaty of 1830, neither does it appear that he applied to either of the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, to adjudicate claims of those having rights as aforesaid.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

W. A. Jones,

C.T.C.-O.

Commissioner.

1 (COPY).

W.C.F.
C.M.R.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

December 1, 1903.

D.C. 33636.
I.T.D. 8276-1903.
L.R.S.

The Commission

to the Five Civilized Tribes.

Gentlemen:-

February 16, 1903, you submitted the record in the consolidated case of William C. Merriman et al., embracing the applications for identification as Mississippi Choctaws of the following named persons: William C. Merriman for himself and his five minor children, Willie G., Lillie May, Herbert W., Winnie, and Charles E. Merriman; Ethel Goad for herself and her three minor children, Grace, Violet and Lena Goad; Edwin L. Merriman; Cora Martin; Wiley P. Etheridge for himself and his three minor children, Herley, Fannie and Carl Etheridge; Charlie P. Etheridge for himself and his five minor children, Iva, Mattie, Roy, Glenn, and Shannon Etheridge; Minnie Etheridge; Nettie Etheridge; Arthur A. Etheridge; Ina Stack for herself and her two minor children, Birdie and Curtis Stack; Luther R. Etheridge; Flora Ward for herself and her two minor children, Ernest and Everett; Charles E. Ward; Bennie E. Ward; Hattie M. Ward; Mary Arnold for herself and her five minor children, Jesse, Isabell, Mannie, Ettie and Lissie Arnold; Nancy Wilson

for herself and her six minor children, Jacob L., Nellie M., Robert G., Nannie O., Bennie F., and Flora J. Wilson; William J. Wilson; and Walter L. Wilson.

The applicants base their claim to a right to be identified as Mississippi Choctaw Indians on their descent from William Powell, who is alleged to have been a full blood Choctaw Indian and a resident of Mississippi in 1830.

It does not appear from the evidence furnished by the record or the records of the Indian Office that said ancestors complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter November 19, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision rejecting the applicants is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

CC. Y.

M.C.R. 3676.

Muskogee, Indian Territory, December 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,
South McAlester, Indian Territory .

Gentlemen:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by mail on the 30th day of January, 1903.

Respectfully,
(SIGNED).

James D. Wiley.

Chairman.

cc. Y.
M.C.R. 3576.

Muskogee, Indian Territory, December 11, 1903.

William C. Merriman,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the Several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,
(SIGNED).

Tamie Dixby.
Chairman.

REFER TO M.O.R. 3676

William C. Merriman
et al

Consolidated Case.

William Powell, full



Nancy or Elizabeth Powell, 2, 1/16

married

Lewis Etheridge, w

Jesse L. Etheridge, 1, 2

wife

Mary Etheridge, 2

Elizabeth Etheridge, 1

married

Theodore Merriman

mch
5350

Wiley P. Etheridge, 54, 1/8

wife

Martha Etheridge, w

mch
3676

William C. Merriman, 34, 1/16

wife

Louella Merriman, w

mch
5352

Ethel Merriman, 25, 1/16

married

John C. Goad, w dead

mch
5351

Edwin L. Merriman, 21, 1/16

mch
5351

Cora Merriman, 18, 1/16

married

Frank R. Martin, 1

mch
5368

Charlie P. Etheridge, 29, 1/16

married

Nannie George, w

mch
5367

Minnie Etheridge, 26, 1/16

mch
5364

Nettie Etheridge, 26, 1/16

mch
5364

Arthur A. Etheridge, 24, 1/16

mch
3676

Willie G. Merriman, 11

Lillie May Merriman, 9

Herbert W. Merriman, 7

Winnie Merriman, 3

Leah E. Merriman, 1

mch
5352

Grace Goad, 5

Violet Goad, 4

Lena Goad, 2

mch
5368

Mattie Etheridge, 10

Roy Etheridge, 8

Iva Etheridge, 6

Glenn Etheridge, 4

Shannon Etheridge, 2

William Powell, Jr.



Nancy or Elizabeth Powell
married
Lewis Etheridge w

Jesse L. Etheridge, 14 1/2
wife
Mary Etheridge 2

McR
5350

Wiley P. Etheridge, 54 1/8
(continued)
wife
Martha Etheridge, w

McR
5424

Flora Etheridge, 48 1/8
married
J W Ward, w

McR
5423

Mary Etheridge, 44 1/8
married
J. G. Arnold, w

McR
5423

Nancy Etheridge 38 1/8
married
Jacob L Wilson, w

McR
5365

Ina Etheridge, 22 1/16
married
Tom B. Stack w.

McR
5370

Luther R. Etheridge, 21 1/16

McR
5350

Horley Etheridge, 19

Fannie Etheridge, 15

Carl Etheridge, 12

McR
5367

Birdie Stack, 2
Curtis Stack, 7 mos

McR
5428

Charles E Ward 23 1/16

McR
5371

Bennie E. Ward, 23 1/16

McR
5427

Hattie E. Ward, 21 1/16

McR
5426

Ernest Ward, 17

Everett Ward, 5

McR
5426

Jesse Arnold, 20

Isabell Arnold, 18

Nannie Arnold, 16

Ettie Arnold, 14

Lizzie Arnold, 5

McR
5372

William J. Wilson 23 1/8

McR
5424

Walter L Wilson 21 1/16

McR
5423

Jacob L Wilson, 19

Nellie M Wilson, 15

Robert S Wilson, 13

Nannie O. Wilson, 11

Bennie F Wilson, 8

Flora J. Wilson, 4

No. 8676

For Identification as a Mississippi Choctaw.

Date

OCT - 5 1901

Name William C. Merrieman

Age 34 Blood 1/16

Post Office, Guber, Texas

Father: Theodore " 1

Mother: Elizabeth " 1

Claims through mother -
wife - Luella " w

No claim for wife -

Children:

Willie L. " "

Lillie M. " 9

Hubert W. " 7

Winnie Mae " 3

Charles E. " 1

Claims for self &
children -

Stenographer G. Rosemond

Choctaw MCR 3677

William F. Martin

See MCR 203

MCR 3677

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES;
Meridian, Mississippi, October 2nd, 1901.

In the matter of the application of William F. Martin for the identification of himself and two minor children as Mississippi Choctaws.

Said William F. Martin, being first duly sworn, testified as follows:-

(J. E. Arnold, attorney for applicant)

Examination by the Commission.

- Q What is your name? A William F. Martin.
Q How old are you? A Twenty-eight.
Q What is your postoffice address? A Stanton, Alabama.
Q What County is that in? A Chilton.
Q How long have you lived in Chilton County, Alabama? A About 12 years.
Q Where did you live immediately before that? A Dallas County.
Q How long did you live in Dallas County? A Born there.
Q And lived there until you went to Chilton County? A Yes sir.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q Is your father living? A Yes sir.
Q What is his name? A George Franklin Martin.
Q Where does he live? A At Stanton.
Q About how old a man is your father? A Forty-nine years, I believe.
Q Is your mother living? A Yes sir.
Q What is her name? A Carrie Martin.
Q Is she and your father living together? A Yes sir.
Q About how old is she? A Forty-six, I think.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Were your father and mother legally married? A Yes sir, I suppose they were.
Q Do you know about it? A No sir, I don't know about it.
Q How long have they lived together? A They have been together for about thirty years.
Q How many children have they raised? A Seven.
Q Never have been separated? A No sir.
Q Do you know whether they were married under a license? A They were.
Q How do you know that? A They say they were.
Q Did you ever see their license? A No sir.
Q Do you know who performed their marriage ceremony? A No sir.
Q Do you know whether their license is in existence? A I don't.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother. We will be glad to have you furnish this within a period of thirty days from this date if it is possible for you to do so.

Was your father ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A Not

William F. Martin--2

that I know of.

Q Did he ever live in Indian Territory? A No sir.

Q Where did your father live prior to your birth? A In Dallas County.

Q Do you know how long he lived there? A He was born there, I think.

Q He was born and raised in Dallas County, Alabama? A Yes sir.

Q Through which one of his parents did he get his Choctaw blood?

A Through his father.

Q What was the name of his father? A George Perry Martin.

Q How long has he been dead? A I suppose it has been twenty odd years; I couldn't tell exactly.

Q You claim that George Martin, his father was a quarter blood Choctaw? A Yes sir.

Q Where did George Martin live during his life time? A Dallas County.

Q Was he born and raised there too? A No sir, I don't think he was.

Q Do you know where he was born? A No sir.

Q You don't know anything about his residence? A Nothing much, no sir.

Q What do you know about it? A Nothing particular as to where he was born. I don't know anything at all about that.

Q Do you know any place except Dallas County, Alabama, where he lived? A No sir, only what I have heard them say that he lived in Chilton County some.

Q Did you ever hear of his living anywhere else? A No sir.

Q How old would he be if he were living now? A I don't know, sir.

Q About how old? A I suppose he would be seventy-five.

Q You never heard of his having lived in Indian Territory, did you? A No sir.

Q Or in the State of Mississippi? A No sir.

Q What was the name of your father's mother? A Nancy.

Q She was a white woman, was she? A Yes sir.

Q Had no Indian blood? A None that I know of.

Q Do you know whether your father's father and mother were legally married or not? A No sir.

Q Have you any evidence that they were? A No sir.

Q How many children did they raise? A I don't remember exactly. I don't know that I could say.

Q About how many? A About seven or eight.

Q Your mother has no Indian blood whatever? A No sir.

It will be necessary in this case for you to furnish proper evidence of the marriage of your father's father and Mother, inasmuch as your father gets his Indian blood through his father.

By the applicant:

My father and his wife and my grandfather and his wife-their marriage licenses?

By the Commission: Yes sir.

Q Through which one of his parents did your grandfather, George P. Martin, derive his Indian blood? A I don't know much about that.

William F. Martin---3

Q You don't know through which one of his parents he got his Indian blood? A No sir.

Q Do you remember your grandfather George P. Martin? A Yes sir, I was small-I couldn't testify much about how he looked.

Q You don't remember whether he spoke or understood the Choctaw language? A No sir, I couldn't say.

Q You don't remember his personal appearance? A No sir.

Q Do you know whether he was ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or the United States authorities? A I don't know that he was.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q Are you living with her? A Yes sir.

Q What is the name of your wife? A Alice.

Q Has she any Choctaw blood? A None that I know of.

Q You make no claim then for her? A No sir.

Q Was your wife ever married before? A No sir.

Q You were never married but once? A No sir.

Q When were you married to Alice? A About six years ago.

Q Where were you married? A In Chilton County, Alabama.

Q Were you married under a license? A Yes sir.

Q Who performed that marriage ceremony? A Preacher Ellisaw.

Q Do you know his given name? A I couldn't say exactly-I think it was William.

Q Where does he live? A I don't know where he is now.

Q Have you your marriage license and certificate with you? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Alice. The Commission will be glad to have you furnish this evidence within a period of thirty days from this date, if possible.

Q Have you any children? A Two.

Q What are their names and ages? A The oldest one is five.

Q What is that child's name? A Annie Lee.

Q What is the name of the next? A Two years old.

Q Name? A Leonard Allen.

Q Are these children living with you now? A Yes sir.

Q They are both the children of yourself and Alice Martin, are they? A Yes sir.

Q This application, then, is for yourself and two minor children, is that correct? A Yes sir.

Q Is your name to be found on any of the Choctaw Tribal rolls in Indian Territory? A Not that I know of.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled or admitted as a member of that Tribe? A No sir.

Q Did you or did anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

William F. Martin---4

Q Have you ever made any application prior to this time for yourself or either of these minor children to either the Choctaw Tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek clearly? A Yes sir, I think I do.

Q You heard it read and explained here in the Court Room in the last two days, have you not? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation here in Mississippi or Alabama in the year 1830, when this treaty was made? A Not that I know of.

Q Were any of your Choctaw ancestors recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know anything about it.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1836? A I don't know.

Q Were any of your Choctaw ancestors ever in Indian Territory so far as you know? A I don't know nothing about that.

Q Did any of your Choctaw ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know anything about it.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement to that treaty? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the States and not remove west to the new country. The records of the Government show that this Agent failed to register the names of many Indians who did in fact signify to him their intention to remain and become citizens of the States and take

land under the 14th article. On this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaw Indians had improvements and which they expected to receive under the provisions of article 14 of the treaty. This occasioned a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the applications of Choctaw Indians who claimed they had complied in all respects with the provisions of article 14 of the treaty but that they had not received any land or benefits under that 14th article. This Commission came down here and while they were engaged in this work another act of Congress was passed and approved on the 22nd day of February, 1838, providing for the continuance of the Commission until August 1st, 1838. This Commission was able to hear only a comparatively few of these cases owing to the limited time within which they had to work and it became necessary to make further provision for the hearing of these remaining cases and Congress passed an Act, which was approved August 23, 1842, providing for the appointment of another Commission whose duty it should be to come down here to Mississippi and finish up the remainder of these cases. This second Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a great many more of these cases.

Q Did any of your Choctaw ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government and he had in fact received no benefits under the 14th article of the treaty, he should be entitled to select land elsewhere in Mississippi, Alabama, Arkansas or Louisiana from vacant Government land and should be given a certificate to that effect. These certificates were known as scrip.

Q Did any of your ancestors ever receive any scrip under this Act of Congress? A Not that I know of.

Q Did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A None as I know of.

Q Were any of them, so far as you know, ever recognized members of the Choctaw Tribe of Indians? A Not that I know of.

Q Have you any witnesses before the Commission today whom you desire to introduce in support of your application? A Yes sir.

Q How many? A Three or four.

Q What are their names? A Mr. Tom Owsley and wife.

Q Who else? A I don't know the names of the others.

Q They are the witnesses who are here in Meridian for the purpose of giving their testimony in the Tippit case, are they not? A Yes sir.

William F. Martin---6

Q You are a distant relative of the Tippit family? A Yes sir.
Q What do you expect to prove by these witnesses, Mr. Martin?
A Prove my Choctaw blood, prove that I am one-sixteenth.
Q Do you expect to prove anything else? A Not that I know of.
Q Do you know of the existence of any persons who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
A No sir.
Q Do you know of a single witness? A No sir.
Q Have you any written evidence with you that you desire to offer at this time? A None at all.
Q Do you know of the existence of any written evidence to show or that would tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty or ever received any benefits thereunder? A I do not.
Q Do you want permission to file written evidence at a later date?
A Yes sir.

You will be allowed a reasonable time within which to file proper documentary evidence in support of your application. The Commission would be glad to have you file this documentary evidence within thirty days from this date if it is possible for you to do so. If you should desire to have other witnesses, besides those who are here today, testify in your behalf, these witnesses may appear before the Commission at Meridian at any time prior to October 10th and their testimony will be heard; after that time they may appear before the Commission at Atoka, Indian Territory, and their testimony will be heard.

Q Are there any further statements that you desire to make at this time in support of your application? A None at all.
Q Have you any brothers living? A Yes sir.
Q How many? A Two.
Q What is the name of the oldest one? A Howell Martin.
Q How old is he? A Eighteen.
Q Is he single? A Yes sir.
Q Where does he live? A Stanton.
Q With his father? A Yes sir.
Q He is a full brother of yours? A Yes sir.
Q What is your other brother's name? A Paul.
Q How old is he? A Eleven.
Q He lives at home? A Yes sir.
Q Have you any deceased brothers? A No sir.
Q Have you any sisters living? A Four.
Q What is the oldest one's name? A Anna Parnell.
Q Is she married? A Yes sir.
Q About how old is she? A Twenty-three.
Q Where does she live? A Stanton, Alabama.
Q Has she been before the Commission? A I think she has.
Q Do you know when? A She was here at Meridian some time ago.
Q Is her husband living? A Yes sir.
Q What is his name? A Lee Parnell.
Q Has he any Choctaw blood? A None that I know of.
Q Have they any children? A One.
Q What is that child's name? A Inez.

William F. Martin---7

Q What is the name of your next sister? A Evie.
Q About how old is she? A She is twenty-one.
Q Is she married? A Yes sir.
Q What is her husband's name? A Jesse Melton.
Q Has Evie been before the Commission? A I think she has.
Q Where does she live? A In Selma, Alabama.
Q Has her husband any Choctaw blood? A Not that I know of.
Q Have they any children? A Two.
Q What are their names? A I can't think of their names.
Q What is the name of the next sister? A Edna.
Q How old is she? A Fourteen.
Q Does she live at home? A Yes sir.
Q What is the name of the next sister? A Carrie.
Q How old is she? A She is seven years old, I think.
Q Does she live at home? A Yes sir.
Q Have you any deceased sisters? A None at all.
Q Has your father any brothers living? A Yes sir.
Q How many? A He has only one.
Q What is his name? A William.
Q Where does he live? A Summerfield, Alabama.
Q About how old is William Martin? A I suppose he is fifty or fifty-five.
Q Has he been before the Commission? A I don't know sir.
Q Is he married? A Yes sir.
Q What is his wife's name? A Jennie, I believe.
Q Has she any Choctaw blood? A Not that I know of.
Q Have they any children? A Yes sir.
Q How many? A I don't know.
Q Do you know any of their names? A No sir.
Q Do you know some of them? A Yes sir.
Q Give us the names of those you remember? A George.
Q How old is George? A About twenty, I think.
Q Married? A No sir.
Q Give us another one? A Lissie.
Q Married? A No sir.
Q Next? A I don't know any more.
Q Has your father any deceased brothers? A Yes sir.
Q How many? A One.
Q What is his name? A Wiley Martin.
Q Was he married at the time of his death? A Yes sir.
Q Did he have any children living? A Yes sir.
Q Are any of these children living now? A Yes sir, some of them.
Q Do you know their names? A Yes sir.
Q How old would your father's brother, Wiley, be if he were living now? A About sixty.
Q He was a full brother of your father? A Yes sir.
Q Is his wife living? A No sir.
Q What was her name? A Det.
Q Did she have any Choctaw blood? A None that I know of.
Q Give us the names of the children of Wiley Martin, the oldest first? A Van Buren.
Q Is Van Buren living? A I couldn't say.
Q When did you hear of him last? A It has been two years I suppose.
Q Where was he then? A In this State somewhere.
Q How old is he? A About 26 I suppose.
Q Is he married? A Not that I know of.

William F. Martin---8

Q Do you know whether he has been before the Commission?
A No sir.
Q What is the name of the next one of these children? A Bama.
Q Boy or girl? A Girl.
Q Where does she live? A At Riderville, Chilton County, Alabama.
Q About how old is she? A Twenty-two or twenty-three.
Q Is she married? A Yes sir.
Q What is her husband's name? A Reynolds.
Q Has she been before the Commission? A Not that I know of.
Q Is her husband living? A Yes sir.
Q Has he any Choctaw blood? A None that I know of.
Q What is his name? A Frank Reynolds.
Q Have they any children? A I couldn't say.
Q What is the name of the next one of these children? A Arthur.
Q How old is he? A He is about 21, I guess.
Q Is he married? A I don't reckon he is.
Q Where does he live? A I don't know. He went to the war and I haven't heard of him since.
Q Spanish American War? A Yes sir.
Q What is the name of the next one of these children? A Cecil.
Q How old is Cecil? A He is eighteen.
Q Where does he live? A I don't know where he lives. I haven't seen him in twelve months.
Q Where was he when you saw him last? A Riderville.
Q You have no idea where he is now? A No sir.
Q What is the name of the next one of these children? A Joe.
Q How old is Joe? A About sixteen.
Q Where does he live? A At Riderville.
Q Who does he live with? A He lives with his uncle.
Q What is his uncle's name? A William Davis.
Q Has he any Choctaw blood? A Not that I know of.
Q Has his wife any Choctaw blood? A I suppose she has.
Q What is her name? A Susan.
Q Do you know whether any application has been made for Joe? A No sir.
Q What is the name of the next child? A That is the youngest.
Q Has your father any sisters living? A Yes sir.
Q How many? A He has three or four.
Q How many? A I don't know exactly. Some of them I haven't heard from for a long time.
Q How many do you know to be living now? A Three.
Q Has he any deceased sisters? A One or two.
Q Did these sisters have any family at the time of their decease?
A One of them did.
Q Do you know that family? A Yes sir.
Q What was the name of that sister? A I can't call the name now.
Q Where did she live? A Lived in Dallas County, Alabama.
Q Do you know the names of her children? A Wiley Reedy.
Q She was married more than once? A Yes sir.
Q Give us the names of her children? A Bama.
Q Is she married? A Yes sir.
Q What is her husband's name? A Wiley.
Q Where does she live? A Louisiana, I think.
Q How old is she? A She is about thirty.
Q Has she any children? A I think so.
Q Do you know their names? A No sir.
Q Do you know whether she has been before the Commission? A I do not.

William F. Martin---9

- Q Do you know her husband's name? A John Wiley.
Q Has he any Choctaw blood? A None that I know of.
Q Where does Wiley Reedy live? A I don't know.
Q About how old a man is he? A I suppose he is thirty-five.
Q You don't know whether he has been before the Commission? A No sir.
Q Is he married? A I don't know that.
Q Are there any children of your father's sister by this second husband Reedy? A No sir.
Q Did their father have any Choctaw blood? A I don't know.
Q What was his name? A John Reedy.
Q What is the name of her first husband? A Hicks.
Q Given name? A William Hicks, I think.
Q Did she have any children by him? A No sir.
Q You haven't thought of her given name yet, have you? A Martha Ann.
Q That is your father's sister that is now deceased? A Yes sir.
Q How old would she be if she were living now? A I don't know as I could come within ten years of it.
Q She was older than your father? A Yes sir, she was the oldest in the family.
Q What is the name of the living sister of your father? A Susan, I guess.
Q Susan what? A ~~Emilia~~ Davis.
Q Is she a full sister of your father's? A Yes sir.
Q Where does she live? A Riderville, Alabama.
Q Has she been before the Commission? A Not that I know of.
Q About how old is she? A I don't know that.
Q How old would you guess her to be? A I would guess her to be fifty or sixty.
Q Is her husband living? A Yes sir.
Q What is his name? A William.
Q Has he any Choctaw blood? A Not that I know of.
Q Have they any children living? A One.
Q What is that child's name? A Eugenia.
Q How old is she? A She is twenty-eight I suppose, may be thirty.
Q Is she married? A Yes sir.
Q Has she ever been married more than once? A No sir.
Q What is her husband's name? A Friday.
Q Has he any Choctaw blood? A Not that I know of.
Q Have they any children? A I don't know, sir.
Q Did Susan Davis have another child? A One.
Q How old was it when it died? A It was about 25 I reckon.
Q Boy? A Yes sir.
Q Live with the family? A Yes sir.
Q What was his name? A Walter.
Q How old would he be if he were living now? A He would be about thirty.
Q Is his wife living? A Yes sir.
Q What is her name? A Minnie.
Q Has she any Choctaw blood? A None that I know of.
Q Have they any children living? A I don't know--one.
Q She has one child by Walter Davis? A Yes sir.
Q What is that child's name? A Woodard Davis.
Q How old is he? A I don't know his age.
Q What is the name of your father's next sister? A Paralee Harris.
Q About how old is she? A I don't know her age.

William F. Martin---10

- Q About how old? A I would put it between forty and fifty.
Q Where does she live? A In Chilton County, Alabama.
Q Has she been before the Commission? A I think she has.
Q Is her husband living? A Yes sir.
Q What is his name? A Peyton Harris.
Q Has he any Choctaw blood? A None that I know of.
Q Have they any children? A Yes sir.
Q Do you know their names? A Yes sir.
Q Give us their names? A Effie.
Q Is she married? A No sir.
Q How old is she? A Twenty-two or twenty-three.
Q Does she live at home? A Yes sir.
Q Has she come before the Commission? A No sir.
Q Next one? A Curtis.
Q How old is he? A I guess he is about nineteen or twenty.
Q Married? A No sir.
Q Live at home? A Yes sir.
Q Next one? A Nannie.
Q How old? A I don't know--about eighteen.
Q Married? A No sir.
Q Live at home? A Yes sir.
Q Next one? A Vergie.
Q How old is she? A She is about fifteen.
Q How many more children? A One.
Q What is that child's name? A Clyde.
Q Boy or girl? A Boy.
Q What is the name of your father's other sister living? A Nannie Parnell.
Q About how old is she? A I guess she is forty odd.
Q Where does she live? A Stanton, Alabama.
Q Has she been before the Commission? A I think she has.
Q Is her husband living? A Yes sir.
Q What is his name? A Thomas Parnell.
Q Has he any Choctaw blood? A Not as I know of.
Q Have they any children? A Yes sir.
Q How many? A I don't know exactly.
Q Do you know their names? A I know the names of some.
Q Give us the names of such as you know? A Spurgeon.
Q How old is he? A I don't know his age.
Q About how old? A About twenty-five.
Q Married? A No sir.
Q Next? A Lester.
Q Next? A That is about all I know.
Q Are any of the brothers of George P. Martin, your grandfather, living? A No sir, not that I know of.
Q Do you know the names of any of his brothers that are deceased?
A Yes sir.
Q What are the names? A Robert and James.
Q Is that all? A That is all I know anything about.
Q How old would Robert be if he were living now? A I couldn't come anywhere near it.
Q About how old do you think James would be if he were living now?
A I couldn't tell.
Q Were they younger or older than George P. Martin? A I think they were older.
Q Are any of your grandfather, George P. Martin, sisters living?
A Not that I knew of.


William F. Martin---11

Q Do you know the names of any of his deceased sisters? A No sir.
Q You know nothing whatever of the family history further back than your grandfather? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Do you know any of your relatives who ever spoke or understood it? A No sir.
Q You don't know of any relatives who were ever recognized members of the Choctaw Tribe of Indians? A No sir.
Q You don't know any relatives who ever received any benefits as Choctaw Indians? A No sir.

This applicant has the features and characteristics of a white man, though he has a dark complexion, dark brown eyes and black hair. He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 2nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 3rd day of October, 1901, at Meridian, Mississippi,


Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

William F. Martin,
Stanton, Ala.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gea J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands un-der the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED), *Fame Diney*.

Registered.

Acting Chairman.

COPY.

M.C.R. 2677

Montegee, Indian Territory, November 12, 1902.

William F. Martin,

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

Time Birtu.
Acting Chairman.

M.C.R. 3677.

Waskagee, Indian Territory, December 31, 1903.

William F. Martin,
Stanton, Alabama.

Dear Sir:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

V. F. H., -2-

most now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. H. Springer, on March 24, 1936, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

MEM-3677

COPY

Muskogee, Indian Territory, January 17, 1907.

William F. Martin,
Stanton, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

T. S. Bixby.

Commissioner.

7922
3627
For Identification as a Mississippi Choctaw.

Date OCT 1901

Name William F Martin

Age 28

Blood 1/16

Post Office, Stanton, Ala.

~~George~~
Father: Frank Martin

Mother: Carrie

Claims through father
wife Alice Martin
No claim for wife

Children:

Annie Lee Martin

Leonard Allen

(Claims for
children)

minor

* Stenographer

Ira S. Miles

Choctaw MCR 3678

Mary J. Tate

See MCR 203

MCR 3678

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 3, 1901.

In the matter of the application of Mary J. Tate for the identification of herself and one minor child as Mississippi Choctaws.

Mary J. Tate, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary J. Tate.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q How old are you? A Thirty five.
Q What is your post office address? A Birmingham, Alabama, Avenue I and 25th Street.
Q How long have you lived in Birmingham? A Twenty two years.
Q Where did you live before that? A Chilton county.
Q Alabama? A Yes sir.
Q Were you born and raised there? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John G. Eaves.
Q Is your mother living? A Yes sir.
Q What is her name? A Emily A. Eaves.
Q Through which one of your parents do you claim Choctaw blood?
A My mother.
Q How old is your mother? A She is about fifty six.
Q Where does she live? A She lives in Birmingham.
Q How long has she lived there? A Twenty two years.
Q Where did she live before that? A Chilton county.
Q How long? A She lived there from her birth. I think she was born in Chilton county; they have changed the counties but I think that is the county.
Q Has she ever been in Indian Territory? A No sir.
Q Never lived in Mississippi? A No sir.
Q Has she ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A Not that I know of.
Q Your father had no Choctaw blood whatever? A No sir, not that I know of.
Q Through which one of her parents did your mother get her Choctaw blood? A From her father.
Q What was his name? A James Martin.
Q Is he living now? A No sir.
Q How long has he been dead? A I don't know, he died when I was a small child.
Q Where did he live during his lifetime? A He lived in Chilton county when he died.
Q Alabama? A Yes sir.
Q Do you know how long he lived there prior to his death? A No sir, I don't know.
Q You know nothing whatever as to his residence? A No sir.
Q About how old would he be if he were living now? A I don't know.
Q Don't you have any idea? A No sir, I was a small child when he died.
Q Do you know whether he was ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians? A No sir.
Q Was he ever in Indian Territory? A Not that I know of.

Mary J. Tate-----2.

- Q Did he ever live in Mississipi that you know of? A Not that I know of.
- Q Do you know whether he ever received any benefits whatever as a Choctaw Indian? A No sir.
- Q Do you know whether he was ever a recognized member of the tribe? A No sir.
- Q What was your mother's mother's name? A Eliza.
- Q Did she have any Choctaw blood? A No sir, not that I know of.
- Q Do you know whether James Martin and Eliza were lawfully married? A No sir, I suppose they were, but I don't know; they lived together as man and wife.
- Q For how long? A I don't know how long.
- Q How many children did they raise? A They raised thirteen children.
- Q Do you know through which one of his parents James Martin got his Indian blood? A He got it through his mother.
- Q What was her name? A Martha Moore.
- Q Was that her maiden name? A Yes sir.
- Q Did you ever see Martha Moore? A No sir.
- Q How long before you were born did she die? A I have no idea.
- Q How much Choctaw blood did Martha Moore have? A She was half Indian.
- Q This testimony in regard to these people is not from your personal knowledge, but merely from family history. A Yes sir, it is a matter of family history.
- Q Do you know the name of Martha Moore's husband? A Robert Martin.
- Q Did he have any Choctaw blood? A No sir, I don't think he did.
- Q Where did Martha live? A I don't really know where she did live.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q What is your husband's name? A Green B. Tate.
- Q Have you any children? A I have one.
- Q What is the name of that child? A Aubrey J. Tate.
- Q How old is that child? A He is fifteen.
- Q Is he living with you now? A Yes sir.
- Q Is he the child of yourself and Green B. Tate? A Yes sir.
- Q This application then is for yourself and one minor child? A Yes.
- Q Have you or has your minor child ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir.
- Q Did you ever make application for yourself and your minor child to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application for yourself or this minor child to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Have you or has this child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court on appeal? A No sir.
- Q Have you ever made any application prior to this time for yourself and this minor child to be admitted or enrolled as citizens of the Choctaw Nation either to the tribal authorities or the United States authorities? A No sir.
- Q Do you appear before the Commission at this time for the purpose of making application for the identification of yourself and minor

Mary J. Tate-----3.

child as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Are you familiar with the provisions of that fourteenth article?

A I have heard it read since I have been here.

Q Do you think you understand it? A Yes sir.

Q Do you mean that you have heard it read and explained here in the Court room several times while applicants have been examined? A Yes sir.

Q You understand the causes attending this treaty--when it was made A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A I do not know.

Q Were any of your Choctaw ancestors living here in the old Choctaw nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know.

Q Did any of them own any improvements here in the old Choctaw Nation at that time? A Not that I knew of.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I do not know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know.

Q So far as you know did any of your ancestors ever live in Indian Territory? A No sir, I don't know whether they did or not.

Q Ever live in the state of Mississippi, any of them? A I don't know.

Q Did any of your Choctaw ancestors within six months after the time the treaty of Dancing Rabbit Creek was ratified, which was on the 24th day of February, 1831, signify to the United States agent of the Choctaws here in Mississippi their intention to remain here in Mississippi and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States as beneficiaries under this fourteenth article of the treaty? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States as beneficiaries under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement of that treaty? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here in Mississippi and become citizens of the states and take advantage of the provisions of that article and receive land. The records of the government show that this agent failed to register and report to the government the names of many Choctaw Indians who did in fact signify to him their intention to remain here and become citizens under this fourteenth article. For this reason, the government at its public land sales, when it sold off this reservation here that it procured from the Choctaws, in many instances sold land upon which the Indians lived and had

Mary J. Tate-----4.

improvements, and which they supposed they would receive from the government under that fourteenth article. Of course, at the time this land was sold the government had no record of their living on the land or their desire to take it under the treaty provision. This action on the part of the government caused a great deal of dissatisfaction and complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear the cases of Choctaw Indians who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government and they had been dispossessed. This Commission came down here and started in on that work, and in the mean time another act of Congress was passed which was approved on the 22nd day of February, 1838, providing for the continuance of that commission until the first of August, 1838. They heard a few of these cases but in the time allowed to them they were unable to dispose of but a comparatively small number and it became necessary to make further provisions for these Indians whose claims had not been heard. And Congress passed an act which was approved on the twenty third day of August, 1842, providing for the appointment of another Commission whose duty it should be to come down here and finish up the hearing of these Choctaw cases. That second Commission was duly appointed by the president, and the Commissioners came down here and disposed of a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I knew of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select land in lieu thereof elsewhere in Mississippi or in Alabama Louisiana or Arkansas, from vacant government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States government under this act of Congress? A Not that I know of.

Q So far as you know none of your ancestors ever received any land from the United States government in Mississippi? A No sir.

Q And none of them ever received any scrip? A No sir.

Q So far as you know none of them were ever recognized members of the Choctaw tribe of Indians? A No sir.

Q And none of them ever received any benefits as such? A No sir.

Q Did any of your ancestors ever own land in Mississippi that you know of? A No sir.

Q Have you any witnesses before the Commission who would be able to testify as to your ancestry? A Yes sir, Thomas Gasley and wife.

Q They are not here today? A No sir.

Q They are the witnesses who testified yesterday in the Susan J. Tippit case? A Yes sir.

Mary J. Tate----5.

- Q You are a member of the same family as Susan J. Tippit? A Yes sir.
- Q That is, you are descendant of the same common ancestor? A Yes sir.
- Q Who is that common ancestor? A Martha Moore or Martha Martin.
- Q You have no other witnesses besides the Ousleys? A There are two others who gave their testimony in the Tippit case.
- Q Do you know of any one living who would know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit creek or ever received any benefits thereunder? A No sir.
- Q Have you any written evidence of any description that you went to offer at this time? A No sir.
- Q Do you know of the existence of any written evidence of any description which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit creek? A No sir.
- Q Do you desire to offer written evidence of any kind at a later date? A I might want to offer some.

You will be allowed a reasonable time in which to submit proper written evidence in support of your application. The Commission would be glad if you came conveniently do so for you to file such written evidence as you may desire to present within thirty days from the date of this application. If you should discover other witnesses whom you desire to have testify in your behalf personally before the Commission, they may appear before us at Meridian, Mississippi, at any time prior to the tenth of this month, and after that time, they may appear at Atoka, Indian Territory, and their testimony will be heard.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir.
- Q Have you ever been married more than once? A No sir.
- Q Have you any brothers and sisters? A Yes sir.
- Q Any deceased? A Yes sir.
- Q How many? A Four.
- Q Did any of them grow to maturity? A No sir, they were very small children.
- Q How many brothers have you living? A Three.
- Q What are their names, the oldest first? A William S. Haves.
- Q Where does he live? A At Selma.
- Q Alabama? A Yes sir.
- Q How old is he? A Thirty two, I believe.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A Elizabeth.
- Q Has she any Choctaw blood? A Yes sir.
- Q Has he been before the Commission? A Yes sir.
- Q What is the name of his wife's mother? A Susan Hooks.
- Q Has she any Choctaw blood? A Yes sir, she has one eighth.
- Q Where does she live? A She is dead now.
- Q What is the name of your brother's wife's father? A Marcus Hooks.
- Q Where does he live? A Selma.
- Q He has no Choctaw blood? A No sir.
- Q Has William S. Haves any children? A Yes sir.
- Q What are their names? A Mary Lue and Pierson.
- Q What is the name of your next brother? A Jesse Haves.
- Q Where does he live? A Birmingham, Alabama.
- Q How old is he? A Twenty six.

Mary J. Tate-----6.

Q Has he been before the Commission? A He is here now.
Q Is he married? A Yes sir.
Q What is his wife's name? A Ida Hayes.
Q Has she any Choctaw blood? A No sir.
Q Have they any children? A Two.
Q What are their names? A Willie.
Q A boy? A Yes sir.
Q Next? A Ola May.
Q Were you present at the marriage of your brother Jesse and his wife Ida? A No sir.
Q Are they living together now? A Yes sir.
Q When were they married? A They have been married about six years or seven years.
Q Where were they married? A In Birmingham.
Q Married under a license? A Yes sir.
Q Who performed the marriage ceremony? A Precaker Bryant, I believe.
Q You were not present at their marriage? A No sir.
Q They have lived together ever since their marriage? A Yes sir.
Q What is the name of your next brother? A Marvin.
Q How old is he? A Seventeen.
Q Does he live at home with his mother? A Yes sir.
Q How many sisters ~~you~~ have you living? A Two.
Q What are their names? A Sarah J. Chambers.
Q How old is Sarah J. Chambers? A Twenty eight or something theabouts.
Q Where does she live? A Birmingham.
Q Has she been before the Commission? A Yes sir, she was here a few days ago.
Q Is her husband living? A Yes sir.
Q What is his name? A Andrew Chambers.
Q Has he any Choctaw blood? A No sir.
Q Have they any children? A They have one.
Q What is its name? A Lilla May.
Q Were you present at the marriage of your oldest brother? A No, sir.
Q Where was he married? A In Selma.
Q When? A About eight years ago, I reckon.
Q Do you know who performed the marriage ceremony? A No sir.
Q You know nothing about their marriage? A No sir.
Q He and his wife have lived together continuously since that time? A Yes sir.
Q What is the next sister's name? A Eliza Perkerson.
Q Where does she live? A In Birmingham.
Q About how old is she? A Twenty two.
Q Has she been before the Commission? A She is here now.
Q She has not appeared yet? A No sir.
Q Is her husband living? A Yes sir.
Q What is his name? A Luther Perkerson.
Q Has he any Choctaw blood? A No sir.
Q Have they any children? A No sir.
Q That is all of your family, your brothers and sisters? A Yes sir.
Q Has your mother any brothers living? A Yes sir, she has one.
Q What is his name? A David Martin.
Q Where does he live? A Close to Planterville, Alabama.
Q How many children has he, do you know? A Two.
Q What are their names? A Arthur.
Q Next one? A Evie.
Q Has he been before the Commission? A Yes.

Mary J. Tate-----7.

- Q Has your mother any deceased brothers? A Yes sir.
Q How many? A She has three I believe.
Q Did any of them leave families? A One.
Q What is his name? A Eleazar.
Q How long has he been dead? A I don't remember how long he has been dead.
Q How many of his children are living? A He has three living.
Q What are their names? A I don't remember the names.
Q Do you know where they live? A No sir, I don't.
Q Has your mother any sister's living? A Yes sir, but I don't know anything about them.
Q Do you know their names? A Missoufi Campbell is one of them.
Q What was another one? A Martha Wright.
Q Is that all? A That is all I remember; they moved away when I was small and I don't remember anything about them.
Q You do not speak nor understand the Choctaw language? A No sir.

This applicant has every appearance and characteristic of a white woman and shows no indications whatever of being possessed of Indian blood. She does not speak or understand the Choctaw language. She has light hair and eyes and fair complexion.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 3rd day of October, 1901, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of October, 1901.



Notary Public.

Muskogee, Indian Territory, January 7, 1902.

J. E. Arnold,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fourth instant in which you ask to be supplied with a copy of the statement of Mary E. Tate at the time she applied to the Commission for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it does not appear from our records that you are the attorney for this applicant, and it will therefore be impossible to comply with your request.

Yours truly,

Commissioner in Charge.

MS 3678

COPY.

COMMISSIONERS
HENRY L. DAVES
TANS BIRBY
THOMAS B. NEEDLES
C. R. BRICKNIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Mary J. Tate,

Ave. I. 25th. St.,

Birmingham, Ala.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tame Dixey.*

Registered.

Acting Chairman.

COPY.

M.C.R. 3678

Muskogee, Indian Territory, November 12, 1902.

Mary J. Tate,

1014 1/2 10th Street,

Birmingham, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippet, et al., of which decision you were advised by registered mail on the 24th day of April, 1902.

The Commission is directed to advise you that this decision is final and that you are not to be heard on this matter.

(SIGNED)

Tahmoo Doby

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Mary J. Tate,
Avenue I and 25th Street,
Birmingham, Alabama.

Dear Madam:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

M. J. T., -2-

sioner of Indian Affairs, W. M. Springer has died, and the Department now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by the W.M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

M.C.R. 3678.

Muskogee, Indian Territory, December 21, 1903.

Mary J. Tate,
Avenue I and 25th Street,
Birmingham, Alabama.

Dear Madam:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

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M. J. T., -2-

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Respectfully,

Chairman.

MUR-3678

COPY

Muskogee, Indian Territory, January 17, 1907.

Mary J. Tate,
Avenue I and 25th Street,
Birmingham, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and child is a part.

Respectfully,

SIGNED

Wm Bixby

Commissioner.

11421

No. 3678

For Identification as a Mississippi Choctaw.

Date

Name Mary J. Tate

Age 35

Blood 1/16

Post Office, Birmingham Ala.

Father: John G. Eaves

Mother: Emily A. Eaves

Claims through mother.

Husband: Green D. Tate

No claim for husband

Children:

Aubrey J. Tate

(Claim for

name.

Stenographer

H. C. Risteen

Choctaw MCR 3679

Eliza Per Kerson

See MCR 203

MCR 3679

STATE OF ALABAMA,
JANUARY 1906.

In the matter of the application of William Parker for the
identification of his blood as Choctaw blood.

William Parker, having been first duly sworn, upon her oath
testifies as follows:

Examination by the Commission:

- Q What is your name? A Eliza Parker.
- Q How much Choctaw blood do you claim to have? A One sixteenth.
- Q How old are you? A Twenty two.
- Q What is your post office address? A Birmingham, Alabama, Avenue
I and 25th street.
- Q How long have you lived in Birmingham? A Twenty two years.
- Q You were born there? A No sir, I was carried there when I was
six weeks old.
- Q Where did you live before that? A In Chilton county, Alabama.
- Q Is your father living? A No sir.
- Q What was his name? A John G. Hayes.
- Q Did he have any Choctaw blood? A No sir.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Emily A. Hayes.
- Q Has your mother any Choctaw blood? A Yes sir.
- Q You got your Choctaw blood then solely through your mother?
A Yes sir.
- Q How much Choctaw blood has your mother? A One eighth.
- Q About how old is she? A About fifty six.
- Q Where does she live? A In Birmingham.
- Q How long has she lived there? A Twenty two years.
- Q Where did she live prior to that time? A Chilton county, Alabama.
- Q Was she born and raised there? A Yes sir, I suppose she was, I
never heard her speak of leaving any where else.
- Q Through which one of her parents did she derive her Choctaw blood?
A Her father.
- Q What was his name? A James Martin.
- Q Did you ever see him? A No sir.
- Q What was the name of your mother's mother? A Eliza Martin.
- Q How much Choctaw blood? A One eighth.
- Q Do you know where James Martin lived? A No sir.
- Q Do you know how old he would be if he were living now? A No sir.
- Q Do you know anything about his marriage to your grandmother? A No
sir.
- Q Do you know whether they were legally married? A I suppose they
were, I don't know.
- Q Do you know how long they lived together as man and wife? A No
sir.
- Q Or how many children they raised? A No I don't know, I think
there were about thirteen or so.
- Q You know nothing about your grandmother's blood? A No sir, never
seen her--I seen my grandmother when I was young.
- Q Through which one of his parents did your grandmother get her
Choctaw blood? A His mother.
- Q What was her name? A Martha Moore, and she married Robert Martin

Mina Perkerson-----2.

- Q Did you ever see her? A No sir.
- Q Where did they live? A I don't know.
- Q You know nothing whatever about them? A No sir.
- Q How long have you known the names of your grandparents--your great grandparents? A I have always heard mother speak of them.
- Q Did she always tell you that Martha had Choctaw blood? A Yes sir.
- Q How much Choctaw blood did she have? A She had one half.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Luther Perkerson.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children? A No sir.
- Q This application then is for yourself only? A Yes sir.
- Q You never have been married more than once? A No sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you or any one for you make application in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation, Indian Territory, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made any application prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Are you familiar with the provisions of the fourteenth article? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaw Indians lived here in Mississippi and over on the western edge of Alabama, along the line. The object of that treaty of Dancing Rabbit Creek was to secure the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river, a portion of which is now occupied by the main body of the Choctaw tribe of Indians, commonly known as the Choctaw nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to remove to the new country west of the Mississippi river but preferred to remain in Mississippi, and they insisted that provision be made in the treaty by which they might be permitted to remain here. For the benefit of this class of Indians preferring to remain here, the fourteenth article was put into that treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen

Eliza Perkerson-----3.

of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have read to you the fourteenth article of the treaty of Dancing Rabbit Creek--Do you think you understand that clearly? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Not that I know of.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at the time this treaty was made? A I don't know.

Q Did any of your ancestors own any improvements at the time this treaty was made on land included in what was then known as the Choctaw Nation? A I don't know.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1835 and 1838? A I don't know.

Q Were any of your Choctaw ancestors ever in the Indian Territory? A I don't know.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek?

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than article fourteen of under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states. The records of the government show that this agent failed to record and report to the government the names of many Indians who

Eliza Perkerson ----4.

did in fact signify to him their intention to remain and become citizens of the states. On this account, the government at its public land sales here in Mississippi, sold lands upon which Choctaw Indians lived and had improvements, and which they supposed they would receive under the provisions of article fourteen of the treaty. This occasioned a very great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here in Mississippi and hear the cases of Choctaws who claimed they had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but had never received any benefits there under. This Commission was duly appointed by the President and the Commissioners came down here and started in on this work, and another act of Congress was passed on the 22nd day of February 1838, providing for the continuance of this Commission to the first day of August, 1838. During this Commission's term of office, the Commissioners heard but a comparatively small number of these cases, owing to the limited time allowed them, and it of course became necessary to make further provision for those Indians who had not been heard. And Congress passed another act which was approved on the 8th day of August, 1842, providing for the appointment of a second Commission, whose duty it should be to come down here and finish up the hearing of these cases. This second Commission was duly appointed by the President and the Commissioners came down here and disposed of a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know

The act of Congress approved August 23 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select in lieu thereof land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and that he should be given a certificate to that effect, these certificates were called scrip.

Q Did any of your ancestors receive any scrip from the government of the United States under this act of Congress? A I don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.

Q Did any of them ever receive any benefits as such? A No sir, not that I know of.

Q Have you any witnesses here today before the Commission who you desire to introduce in support of your application? A No sir, they are not here today.

Q Have you had any witnesses here? A Mr and Mrs Gualap were here yesterday.

Q They are the witnesses who testified in the Susan J. Tippit case are they? A Yes sir.

Eliza Perkerson-----5.

Q You and Susan J. Tippet are descended from a common ancestor?

A Yes sir, I suppose so.

Q What is the name of that common ancestor? A Martha Martin nee Moore.

Q Have you any other witnesses here? A No sir.

Q Have you any other written evidence of any kind you desire to offer? A No sir.

Q Do you know of any one living who would be able to support your testimony, and testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know.

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you desire to offer written evidence at a later date? A Yes sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of your application. The Commission would be glad if you find it convenient to do so, if you would offer such evidence as you may see fit to offer within a period of thirty days from this date. If you should discover other witnesses whose testimony you desire to submit to the Commission in support of this application, these witnesses may appear before us at Meridian, Mississippi, at any time prior to the tenth of this month, and thereafter witnesses may appear before the Commission at Atoka, Indian Territory and their testimony will be taken.

Q Is there any further statement you desire to make? A No sir.

Q Have you any brothers living? A I have three.

Q What is the name of the oldest? A William S. Hayes.

Q About how old is William? A Thirty two, I believe.

Q Has he been before the Commission? A Yes sir.

Q Do you know when? A He was here last Monday was a week ago.

Q Where does he live? A Selma, Alabama.

Q Is he married? A Yes sir.

Q What is his wife's name? A Elizabeth.

Q Has she any Choctaw blood? A Yes sir.

Q How much? A One sixteenth.

Q The same as he had? A Yes sir.

Q Is she any blood relation to him? A Cousin.

Q Have they any children? A Two.

Q What are their names? A Mary Luc and Pierson.

Q Were you present at the marriage of this brother? A No sir.

Q Do you know when he was married? A He was married in 1892. I think.

Q Where? A Selma, Alabama.

Q He has never been married more than once? A No sir.

Q Have he and his wife lived together ever since that time? A Yes sir.

Q What is the name of your next brother? A Jesse Hayes.

Q How old is he? A Twenty six.

Q Where does he live? A Birmingham.

Eliza Perkersen--- -6.

Q Has he been before the Commission? A No sir, he is here today.
Q Is he married? A Yes sir.
Q Is his wife living? A Yes sir.
Q What is her name? A Ida.
Q Has she any Choctaw blood? A No sir.
Q Have they any children? A Two.
Q What are their names? A Willie and Ola May.
Q Were you present at the marriage of this brother? A No sir.
Q Were you present at their marriage? A No sir.
Q When were they married? A In 1895 or 1896.
Q Where was he married? A At the Presbyterian parsonage in Birmingham.
Q Do you know who performed the marriage ceremony? A Preacher Bryant.
Q Have they lived together ever since that? A Yes sir.
Q What is the next brother? A Marvin.
Q How old is he? A Seventeen.
Q Does he live at home? A Yes sir.
Q Have you any sisters living? A Two.
Q What is the name of your oldest sister? A Mary Tate.
Q Is she the applicant who has just been on the stand before you?
A Yes sir.
Q About how old is she? A Thirty five.
Q Where does she live? A Birmingham, Alabama.
Q What is her husband's name? A Green Tate.
Q Has she any children? A One.
Q What is that child's name? A Ambrey.
Q That is all your brothers and sisters that are living? A One more sister.
Q What is the name of your other sister? A Sarah Chambers.
Q Has she been before the Commission? A Yes sir.
Q Where does she live? A Birmingham.
Q About how old is she? A Twenty eight I believe.
Q What is her husband's name? A Andrew Chambers.
Q Has he any Choctaw blood? A No sir.
Q Have they any children? A One.
Q What is that child's name? A Lilla May.
Q That is all your brothers and sisters? A Yes sir.
Q Did you ever have any other brothers or sisters? A Yes sir, but I never seen but one of them.
Q All of them died in infancy? A Yes sir.
Q Has your mother any brothers living? A Yes sir, but I don't know anything about mother's brothers or sisters either.
Q Do you know their names? A No sir, I don't know the names of but two of them.
Q What are the names of those two? A David Martin as her brother.
Q Where does she live? A Near Plantersville.
Q Do you know anything about his family? A No sir.
Q What is your mother's sister's name? A Susan Hooks.
Q Is she living? A No sir.
Q Where did she live? A In Selma, Alabama.
Q Did she leave a family? A Yes sir.
Q Do you know their names? A Yes sir.
Q What are their names? A Elisabeth Hayes.
Q That is your brother's wife? A Yes sir.
Q What is the next? A Lula Hooks.
Q Is she married? A Yes sir, she married a Hooks.
Q Has she been before the Commission? A Yes sir.
Q When? A Last Monday a week ago, I think.

Miss Parkman-----7.

Q Do you know the names of any more of your mother's brothers or sisters? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has every appearance and characteristic of a white woman; she shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language. She has dark hair and eyes.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 3rd day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 4th day of October, 1901.

[Signature]

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, April 21, 1902.

Elisa Perkerson,

Ave. I. and 25th. St.,

Birmingham, Ala.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tame Dixby.
(SIGNED).

Registered.

Acting Chairman.

COPI

A.C.R. 3679.

Muskogee, Indian Territory, November 12, 1902.

Eliza Peterson,

Ave. I and 25th St.,

Birmingham, Ala.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippet, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Very truly,

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Eliza Perkerson,
Avenue I and 25th Street,
Birmingham, Alabama.

Dear Madam:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 2, 1903, advising that on March 24, 1903; W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Chee-taw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

 Respectfully,

Chairman.

Muskogee, Indian Territory, December 21, 1903.

Eliza Perkerson,
Avenue I and 26th Street,
Birmingham, Alabama.

Dear Madam:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippet, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

E. P., -2-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by the W.M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

Waskogee, Indian Territory, January 6, 1904.

Mrs. Eliza Perkerson,
#704 25th Street,
Birmingham, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 28, 1903, acknowledging receipt of our letter of the 21st instant, and stating that you do not know what steps to take in regard to your case.

Our letter of December 21, 1903, was to inform you that the Department would allow you thirty days to take further action in regard to the motion for review filed by W. M. Springer in the consolidated Mississippi Choctaw case of Susan J. Tippet, et al., of which your application is a part.

You are advised that the Commission is now without authority to receive or consider any further evidence in support of your claim, as its decision of April 21, 1902, refusing the several applications included in the consolidated Mississippi Choctaw case of Susan J. Tippet, et al. was approved by the Secretary of the Interior on November 1, 1902, and the case closed.

As the record is now in the hands of the Secretary, you

Mrs E P 2

should correspond with him if you desire to take further action relative to the above mentioned motion.

Respectfully,

Chairman.

COPY

MUR-3679

Muskogee, Indian Territory, January 17, 1907.

Elisa Perkerson,
Avenue I and 25th Street,
Birmingham, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *James Bixby.*
Commissioner.

Date OCT 3 1901

Name Eliza Berkerson

Age 22

Blood $\frac{1}{16}$

Post Office, Ave D and 25th St, Birmingham Ala

Father: John G. Eaves

Mother: Emily A. Eaves

Claims through mother.

~~John~~ Luther Berkerson

No claim for husband

Children:

(Claim for self - in)

Stenographer

McNieten

Choctaw MCR 3680

Ettie Merritt

See MCR 203

MCR 3680

Choctaw MCR 3680

Ettie Merritt

See MCR 203

MCR 3680

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 3, 1901.

In the matter of the application of Ettie Merritt for identification as a Mississippi Choctaw.

Ettie Merritt, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Ettie Merritt.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q How old are you? A Twenty two.
Q What is your post office address? A Birmingham, Alabama, 2415 Avenue I.
Q How long have you lived there? A Two years.
Q Where did you live before that? A Selma.
Q How long? A Ever since I was about four or five years old.
Q Where did you live before that? A Chilton county.
Q Were you born and raised there? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Marcus Hooks.
Q Has he any Choctaw blood? A No sir.
Q Is your mother living? A No sir.
Q What was her name? A Susan Hooks.
Q Did she have any Choctaw blood? A Yes sir.
Q How much? A One eighth.
Q How old would she be if she were living today? A Fifty four years old.
Q You get your Choctaw blood solely through her? A Yes sir.
Q Was she ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir.
Q Did she ever live out there? A No sir.
Q Was she born and raised in Chilton county, Alabama? A Yes sir.
Q And lived there until she moved to Selma? A She married and moved to Mississippi.
Q How long did she live in Mississippi? A I think she lived there about five years.
Q And then moved back to Chilton county? A Yes sir.
Q She lived in Mississippi before you were born? A Yes sir.
Q Through which one of her parents did your mother derive her Choctaw blood? A Her father.
Q What was his name? A James Martin.
Q He is not living now? A No sir.
Q How old would he be if he were living now? A I don't know, I never heard her say.
Q You never saw him? A No sir.
Q How much Choctaw blood did he have? A One fourth.
Q Where did he live? A He lived in Chilton county.
Q Do you know how long? A No sir.
Q You know nothing whatever about him? A No sir, nothing whatever.
Q Do you know the name of your mother's mother? A Eliza Martin.
Q Did she have any Choctaw blood? A No sir.
Q Do you know whether she and James were lawfully married? A No sir, I don't know, only I heard my mother say they were married.
Q Do you know how long they lived together as man and wife? A Up until his death I have always heard my mother say.

Etta Merritt-----2.

Q Do you know how many children they raised? A I think there were thirteen in the family.

Q Do you know through which one of his parents James Martin got his Choctaw blood? A Through his mother.

Q What was her name? A Martha Martin.

Q Did you ever see her? A No sir.

Q Do you know how old she would be if she were living now? A No, sir.

Q Do you know where she lived during her lifetime? A No sir.

Q Do you know her maiden name? A Martha Moore.

Q Do you know her husband's name? A No sir.

Q How much Choctaw blood did she have? A One half.

Q When did Martha die? A I don't know.

Q You know nothing whatever in regard to her? A No sir, I know her name and that is all, heard my mother speak of her.

Q You don't know whether she ever lived in Mississippi or Indian Territory? A No sir.

Q Did you ever hear of any of your ancestors living in Indian Territory? A No sir.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q Has he any Choctaw blood? A No sir.

Q You make no claim for him then? A No sir.

Q What is his name? A Samuel Merritt.

Q Have you any children? A No sir.

Q Have you ever been married more than once? A No sir.

Q This application is for yourself alone? A Yes sir.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.

Q Did any one else ever make such an application for you? A No sir.

Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

Q Have you ever made any application of any description prior to this time to the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Are you familiar with the circumstances surrounding the making of the treaty of Dancing Rabbit Creek, and with the provisions of the fourteenth article thereof? A Only as I have heard you explain this morning.

Q You have heard me explain in the examination of Elias Perkerson how this treaty came to be made and why it was made, and heard me read the fourteenth article, did you not? A Yes sir.

Q Do you understand that explanation of the fourteenth article clearly? A Yes sir.

Ette Merritt-----3.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in 1830 when the treaty was made? A No, sir, not that I know of.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians at that time? A Not that I know.

Q Did any of them own any improvements upon what constituted the old Choctaw Nation here in Mississippi and Alabama? A No sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A I don't know.

Q Do you know whether any of your parents were recognized members of the tribe here at that time? A No sir.

Q Did any of your ancestors ever live in Indian Territory? A None that I ever heard of.

Q Did any of your ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the states and take land under the fourteenth article of that treaty? A None that I ever heard of.

Q Did any of your ancestors ever receive or claim any land here in Mississippi under the provisions of this fourteenth article? A No sir, not that I heard of.

Q Did any of them ever claim or receive any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement of that treaty? A No sir, not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here in Mississippi and become citizens of the states. The records of the government show that this agent failed to record and report to the government the names of many Choctaw Indians who did in fact signify to him their intention to remain here and become citizens of the states and take land. On this account the government at its public land sales here in Mississippi, sold land upon which Indians lived and owned improvements and which they supposed they would receive from the government under article fourteen of the treaty. This action of the government caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here in Mississippi and hear the applications of Choctaw Indians who claimed rights they had complied in all respects with the provisions of article fourteen of the treaty but that their land had been sold by the government. These Commissioners were duly appointed by the President under that act of Congress and they came down here and heard a few of these cases. On the 22nd day of February, 1838, another act of Congress was approved, providing for the continuance of this Commission until the first day of August, 1838. These Commissioners were in the time allowed to

Etzie Herritt-----4.

them under the acts of Congress under which they were appointed unable to dispose of but a comparatively small number of cases, and it became necessary for Congress to make provisions whereby the rights of the remaining Choctaws who had not been given a hearing might be investigated, and another act of Congress was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the work of hearing these Choctaw cases. That second commission came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article fourteen of that treaty? A No sir, not that I knew of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty but that his land had been sold by the government he should be entitled to select land in lieu thereof either in Mississippi, Alabama, Louisiana or Arkansas from vacant government land, and that a certificate should be given him to that effect, these certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States government under this act of Congress? A No, none that I knew of.

Q So far as you know none of your ancestors ever received any benefit whatever as Choctaw Indians? A No sir.

Q And none of them were recognized members of that tribe? A No sir none that I ever knew of.

Q Have you any witnesses before the Commission today that you desire to introduce in support of your application? A No sir, Mr and Mrs O Qualey were our witnesses.

Q They are the witnesses who testified here yesterday in the Susan J. Tippit case? A Yes sir.

Q You and Susan J. Tippit are descendants of the same common ancestor? A Yes sir, Martha Martin, formerly Martha Moore.

Q Are there any other witnesses besides these? A No sir.

Q Do you know of any person living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence you desire to offer at this time? A No sir.

Q Do you desire permission to offer written evidence at a later date? A I don't know any now.

You will be allowed a reasonable time in which to submit proper written evidence in support of this application. The Commission will be glad to have you offer this written evidence within thirty days from this date if it is possible for you to do so. If you should discover any other persons whose testimony you want to introduce in this case, you may cause them to appear before the Commission at Meridian, Mississippi, at any time prior to the tenth of this month, and their testimony will be taken. If you should find such witnesses and it is not convenient for them to come here by the 10th of October, they may appear before the Commission within a reasonable time at Atoka,

Etta Merritt-----5.

Indian Territory, and their testimony will be heard.

Q Do you know of the existence of any written evidence showing or tending to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Are there any further statements you desire to make at this time? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Do you know of any of your ancestors who could speak or understand the Choctaw language? A No sir.

Q Have you any brothers living? A One.

Q What is his name? A Pierson Hooks.

Q About how old is he? A Twenty four.

Q Is he married? A No sir.

Q Has he been before the Commission? A He is here today.

Q Where does he live? A Selma.

Q Did you ever have any other brothers? A I had one, but he died when I was very small.

Q Have you any sisters living? A Yes sir.

Q How many? A Four.

Q Any deceased? A No sir.

Q What is the name of oldest one of your sisters? A Elizabeth Hayes.

Q Is she living? A Yes sir.

Q Has she been before the Commission? A No sir, her husband has for her.

Q What is his name? A William S. Hayes.

Q Have they any children? A Mary Luc and Pierson.

Q Where do they live? A Selma, Alabama.

Q About how old is your sister Elizabeth? A Twenty eight.

Q What is the name of your next sister? A Lula Hooks.

Q Is she married? A Yes sir.

Q What is her husband's name? A William Hooks.

Q Has he any Choctaw blood? A No sir.

Q Have they any children? A No sir, not living.

Q Has this sister been before the Commission? A Yes sir.

Q Where does she live? A She lives near Selma.

Q About how old is she? A About twenty six.

Q What is the name of your next sister? A Willie Jowers.

Q About how old is she? A She is nineteen.

Q Where does she live? A Birmingham, Alabama.

Q Is her husband living? A Yes sir.

Q Has he any Choctaw blood? A No sir.

Q Have they any children? A No sir.

Q Has Willie Jowers been before the Commission? A Yes sir.

Q When? A Tuesday of last this week.

Q The first of this month? A Yes sir.

Q What is the name of your next sister? A Eliza Darcas.

Q Where does she live? A She lives with Lula Hooks my sister.

Q How old is she? A Six years old.

Q Has application been made for her? A Yes sir.

Q Who made it? A Lula Hooks, her sister.

Q Is that all your brothers and sisters? A Yes sir.

Q Did your mother have any brothers? A Yes sir, I don't know exactly how many though.

Etta Merritt-----6.

Q Give the names of those you remember? A I never saw but one of them but I heard her speak of three.
Q What were their names? A James, Reaser and David.
Q Are any of these living? A David is living.
Q Where? A Near Plantersville, Alabama.
Q Has your mother any sisters living? A Yes sir she has some living.
Q Do you know their names? A I know a few of them.
Q Give the names of those you remember? A Emily Raves.
Q Where does she live? A In Birmingham.
Q She has been before the Commission? A Yes sir.
Q What is the next? A Missouri Campbell.
Q Where does she live? A I don't know.
Q What is the next? A Mattie Wright.
Q Where does she live? A She lives in Perry County, I think.
Q Alabama? A Yes sir.
Q Is that all you remember? A I think that is all I remember anything about.

This applicant has the appearance and characteristics of a white woman; she shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language. She has brown hair and light eyes and fair skin.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 3rd day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 4th day of October, 1901.

[Signature]

Notary Public.

COPY,

COMMISSIONERS

HENRY L. DAWES.
TANS BIRBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLERWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Ettie Merritt,

2415 Ave. I/,

Birmingham, Ala.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Ruthertord McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazar J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands un-der the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). *Tamc Dixby.*

Registered.

Acting Chairman.

COPY

M.C.R. 2080.

Lawson, Indian Territory, November 13, 1902.

Miss Nettie,

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tip it, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Yours truly,

Acting Chairman.

M.C.R. 3680.

Muskogee, Indian Territory, December 21, 1903.

Etta Merritt,

2415 Avenue I.,

Birmingham, Alabama.

Dear Madam:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W.M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

E. M., -2-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MCB-3680

Muskogee, Indian Territory, January 17, 1907.

Etta Merritt,

2415 Avenue I,

Birmingham, Alabama.

Dear Madam:

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED

Thomas B. Bixby.

Commissioner.

4425

No. 3680

For Identification as a Mississippi Choctaw

Date

Oct 11

Name *E. the Merritt*

Age 22

Blood 1/16

2415 Ave. S.

Post Office, Birmingham, Ala.

Father: Marcus Hooks

L

Mother: Susan

d

Claims through mother

Husband Samuel Merritt

L

No claim for husband.

Children:

(Claims for herself alone)

Stenographer

H. Christen

Choctaw MCR 3681

Jesse J. Eaves

See MCR 203

MCR 3681

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 3rd, 1901.

In the matter of the application of Jesse Z. Eaves for the identification of himself and his two minor children as Mississippi Choctaws.

Said Jesse Z. Eaves, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Jesse Z. Eaves.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q What is your age? A Twenty-six.
Q What is your postoffice address? A Birmingham, Alabama-700 23rd St., South.
Q How long have you lived in Birmingham? A Twenty-two years.
Q Where did you live before that? A Plantersville, Alabama.
Q How long? A Four years.
Q Born there? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John G. Eaves.
Q Did he have any Choctaw blood? A Not that I know of.
Q Is your mother living? A Yes sir.
Q What is her name? A Emily A. Eaves.
Q Has she any Choctaw blood? A Yes sir.
Q How much? A She is one-eighth.
Q Do you get your Indian blood solely through her? A Yes sir.
Q How old is your mother? A She is fifty-six.
Q Where does she live? A Birmingham.
Q Has she been before the Commission? A Yes sir.
Q When? A One day this week, Tuesday.
Q The first of this month? A Yes sir.
Q She was born and raised in Chilton County, near Plantersville, Alabama? A Yes sir.
Q Was she ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory? A Not that I know of.
Q She never was out there? A No sir.
Q Do you know through which one of her parents she got her Indian blood? A Her father.
Q What was his name? A James Martin.
Q How long has he been dead? A I couldn't tell you.
Q Do you remember him? A No sir.
Q Do you know how old he would be if he were living now? A No sir, I don't know.
Q How much Choctaw blood did he have? A One fourth.
Q Did you ever see his wife, your mother's mother? A Yes sir.
Q What was her name? A Eliza.
Q How long has she been dead? A I couldn't tell you.
Q Did she have any Choctaw blood? A Not that I know of.
Q Where did your grandfather live during his life time? A He lived at Plantersville part of the time.
Q Do you know much about where he lived? A He lived there when I was born. I remember my mother said he died there.
Q Do you know whether he ever lived in Mississippi? A No sir, I do not.
Q Or Indian Territory? A No sir, I do not.

Jesse Z. Hayes--2

- Q Do you know whether he was ever a recognized member of the Choctaw Tribe of Indians? A No sir.
- Q Do you know whether he and your mother's mother were ever lawfully married? A I couldn't tell you.
- Q How long did they live together? A I don't know.
- Q Do you know how many children they had? A No sir, I do not. I was small when I moved from there.
- Q Through which one of his parents did he get his Indian blood? A He got it through his mother.
- Q What was her name? A Martha Moore.
- Q That is her maiden name? A Yes sir.
- Q What was her husband's name? A Robert Martin.
- Q Did he have any Choctaw blood? A Not that I know of.
- Q Did you ever see Martha Martin? A No sir.
- Q Do you know how old she would be if she were living now? A No sir.
- Q Was she ever a recognized member of the Choctaw Tribe of Indians? A Not that I know of.
- Q Do you know where she lived? A No sir.
- Q Know nothing whatever about her? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Ida.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Willie.
- Q Boy? A Yes sir.
- Q How old? A Five.
- Q Next one? A Ola May.
- Q How old? A Three.
- Q Are these both the children of yourself and Ida Hayes? A Yes sir.
- Q Have you ever been married more than once? A No sir.
- Q Were you married to Ida under a license? A Yes sir.
- Q Have you that license with you now? A No sir.
- Q Where were you married? A At 2214 Avenue "G", Birmingham.
- Q When? A Six years ago the 25th day of last April.
- Q By whom was the ceremony performed? A Bryan.
- Q Minister of the Gospel? A Yes sir, Third Presbyterian Church.

It will be necessary that you furnish the Commission with proper evidence of your marriage to your wife Ida. The Commission would be glad to have such evidence furnished within a period of thirty days if possible. Your license and certificate would be the best evidence of course.

- Q This application is for yourself and two minor children? A Yes sir.
- Q Is any of your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Did you ever made application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.
- Q Did you in the year 1898 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation

Jesse Z. Eaves---3

under the Act of Congress of June 10th, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory?

A No sir.

Q Have you ever made any application of any description prior to this time to either the Choctaw Tribal authorities, ~~the~~ or the United States authorities for yourself or either of your children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I think I do.

Q You understand the circumstances surrounding the making of this treaty too? A Yes sir.

Q You have heard the matter explained several times here in the court room during the examination of other applicants? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.

Q Were any of your Choctaw ancestors recognized members of the Choctaw Tribe here at that time? A Not that I know of.

Q Did any of them own an improvement at that time upon what constituted the Choctaw Nation here in Mississippi and Alabama? A Not that I know of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the United States Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article, or under the supplement to that treaty? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain and become citizens of the States and take land under that 14th article. The records of the Government show that this Agent failed to register and report to the

Jesse Z. Hayes---4

Government the names of many Indians who did in fact signify to him their intention to remain and become citizens and take land under that article. On this account the Government, at its public land sales, here in Mississippi, and in many instances, sold land upon which Choctaws lived and had improvements and which they expected they would receive under the provisions of article 14 of the treaty. This occasioned a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress. Congress passed an act, which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases in which Choctaws might claim that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but had not received land thereunder. By the Act of Congress approved February 22nd, 1838, this Commission was continued until August 1st, 1838. This Commission was duly appointed by the President and these Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by these acts of Congress they were unable to dispose of but a comparatively small number of these cases and Congress found it necessary to make further provision whereby the remainder of these Indians might be given hearings as to their rights. Congress, therefore, passed another act, which was approved August 23, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This second Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government and he had, in fact, received no benefits under that article, he should be entitled to select in lieu thereof other land in Mississippi, Alabama, Arkansas or Louisiana, from vacant Government lands, and should be entitled to a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this Act of Congress? A Not that I know of.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A Not as I know of.

Q Did any of them ever receive any benefits as such? A Not that I know of.

Q Have you any witnesses before the Commission today whom you desire to introduce in support of your application? A They have done been.

Jesse Z. Hayes---5

- Q Who were these witnesses? A Mr. and Mrs. Ousley.
Q Any others? A No sir.
Q Mr. and Mrs. Ousley are the witnesses who were here yesterday in this Susan J. Tippit case, are they? A Yes sir.
Q You and Susan J. Tippit and your families are descendants from a common ancestor, are you? A Yes sir.
Q What is the name of that common ancestor? A Martha Moore.
Q Who do you know of anyone living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I do not.
Q Have you any written evidence of any description that you desire to offer in support of this application? A No sir.
Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I do not.
Q Do you desire to offer any written evidence in this case at a later date? A I might want to.

You will be allowed a reasonable time in which to offer proper written evidence in support of your claim. The Commission will be glad to have you offer such written evidence within a period of thirty days, if you see fit to offer any. If you should discover any other witnesses whom you desire to have appear before the Commission and have their testimony taken in support of your case, they may appear before us at Meridian, Mississippi, at any time prior to October 10th, that is the tenth of this month, and their testimony will be taken. After that time they may appear before the Commission at its office in Atoka, Indian Territory, within a reasonable time and their testimony will be taken.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir.
Q Do you speak or understand the Choctaw Language? A No sir.
Q Do you know of any of your relatives who can speak or understand that language? A No sir.
Q Did you ever hear of any of your ancestors ever being able to speak or understand the Choctaw language? A No sir.
Q Did you ever hear of any of your ancestors ever owning land in Mississippi? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A Two.
Q What are their names? A Willie.
Q Is that the oldest? A Yes sir.
Q Where does he live? A Selma, Alabama.
Q Has he a middle initial? A W. S. Hayes.
Q Is he married? A Yes sir.
Q About how old is he? A About thirty-two.
Q What is his wife's name? A Lizzie.
Q Has she any Choctaw blood? A Yes sir.
Q How much? A Same as he, one-sixteenth.
Q Are he and his wife any relation? A Cousins.
Q Have they any children? A Yes sir.

Jesse H. Niles---

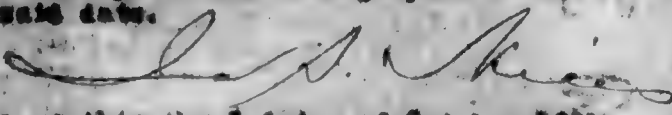
- Q How many? A Two.
- Q What are their names? A Mary Jane and Pierson.
- Q Has he been before the Commission? A Yes sir.
- Q When? A A few weeks ago, I don't know exactly what day.
- Q What is the name of your other brother? A Marvin.
- Q How old is he? A Seventeen.
- Q Stays at home with his mother? A Yes sir.
- Q Have you any brother's dead? A Yes sir.
- Q How many? A One that I remember.
- Q Did he grow to manhood? A Seventeen, I believe.
- Q Leave no issue? A No sir.
- Q Have you any sisters living? A Yes sir.
- Q Any dead? A Some dead but I don't remember.
- Q Did they die in infancy? A Yes sir.
- Q What are the names of those living? A Mary Tate.
- Q Where does she live? A Birmingham, Alabama.
- Q About how old is she? A Thirty-five.
- Q Is she married? A Yes sir.
- Q Husband living? A Yes sir.
- Q Has he any Choctaw blood? A Not that I know of.
- Q What is his name? A G. B. Tate.
- Q Has she any children? A Yes sir.
- Q How many? A Aubrey.
- Q How old? A Fourteen.
- Q Has your sister been before the Commission? A Yes sir.
- Q When? A Today.
- Q What is the name of another sister? A Sally Chambers.
- Q How old is Sally? A She is twenty-eight.
- Q Where does she live? A Birmingham.
- Q What is her husband's name? A A. G. Chambers.
- Q Has he any Choctaw blood? A Not that I know of.
- Q Has she any children? A One.
- Q What is its name? A Lillie May.
- Q Has she been before the Commission? A Yes sir.
- Q When? A Tuesday, I believe.
- Q Of this week? A Yes sir.
- Q Have you another sister? A Yes sir.
- Q What is her name? A Eliza Perkerson.
- Q How old is she? A Twenty-two.
- Q Where does she live? A Birmingham.
- Q What is her husband's name? A Luther Perkerson.
- Q Has he any Choctaw blood? A Not that I know of.
- Q Has she been before the Commission? A Yes sir.
- Q When? A This morning.
- Q Has she any children? A No sir.
- Q Is that all of your brothers and sisters? A Yes sir.
- Q Have you ever been married more than once? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant shows no indications of being possessed of Indian blood. He has light hair, light eyes and light complexion. He does not speak or understand the Choctaw language.

Ira H. Niles, being first duly sworn, states that as stenographer

Page 2. Hayes---

pher to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 3rd, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 3rd day of October, 1901, at Meridian, Mississippi.


Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Jesse Z. Eaves,

700, 23rd. St., So.,

Birmingham, Ala.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn, B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). *Tame Dixby.*

Registered.

Acting Chairman.

COPY.

M.O.R. 8651.

Muskogee, Indian Territory, November 12, 1902.

Jesse Z. Eason,

700 2nd St., South,

Birmingham, Ala.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Wipit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Yours truly,

Tama Birby.

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Jesse Z. Haves,
700 23rd Street South,
Birmingham, Alabama.

Dear Sir:-

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MCR-3681

Muskogee, Indian Territory, January 17, 1907.

Jesse Z. Hayes,
400 23rd Street South,
Birmingham, Alabama.

Dear sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Thomas Bixby.

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Jesse J. Eaves*

Age *26*

Blood *1/16*

700 - 23rd St. South

Post Office, *Birmingham, Ala.*

Father: *John G. Eaves* *d*

Mother: *Emily A. Eaves* *L*

Claims through *mother*

wife Ida Eaves *L*
(no claim for wife)

Children:

Willie Eaves *5*

Ola May *"* *3*

(Claim for wife) *2*

minor children

Stenographer

J. Niles

Choctaw MCR 3682

Pierson G. W. Hooks

See MCR 203

MCR 3682

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 3rd, 1901.

In the matter of the application of Pierson G. W. Hooks
for the identification of himself as a Mississippi Choctaw.

Said Pierson G. W. Hooks, being first duly sworn, testi-
fied as follows:-

Examination by the Commission.

- Q What is your name? A Pierson G. W. Hooks.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q How old are you? A Twenty-four.
Q What is your postoffice address? A Selma, Alabama.
Q Your local address? A Mill Water Street.
Q How long have you lived in Selma? A Fifteen years.
Q Where did you live before that? A Chilton County, Alabama.
Q How long did you live there? A Lived there all my life before
I moved to Selma.
Q Is your father living? A Yes sir.
Q What is his name? A Marcus M. Hooks.
Q Has he any Choctaw blood? A No sir.
Q Is your mother living? A No sir.
Q What was her name? A Susan Hooks.
Q Did she have any Choctaw blood? A Yes sir.
Q How much? A One eighth.
Q You got your Choctaw blood solely through her? A Yes sir.
Q How old would she be if she were living now? A She would be
fifty-four.
Q Was she born and raised in Chilton County, Alabama? A Yes sir.
Q Did she ever live any place except Chilton County and Selma?
A Yes sir, in Mississippi five years.
Q When? A After she was married. She come to Alabama twenty-six
years ago.
Q Do you know what place in Mississippi? A Near Verona.
Q Was she ever in Indian Territory? A No sir, not as I know of.
Q Was she ever recognized in any manner or enrolled as a member of
the Choctaw Tribe of Indians in Indian Territory? A No sir.
Q Through which one of her parents did she derive her Indian
blood? A Her father.
Q What was his name? A James Martin.
Q Is he living? A No sir.
Q When did he die? A About twenty-three years ago.
Q You don't remember having seen him, do you? A No sir.
Q About how old would he be if he were living now? A I don't
know.
Q How much Choctaw blood did he have? A Claimed one-fourth.
Q Did he speak or understand the Choctaw language? A Not that I
know of.
Q Do you? A No sir.
Q Do you remember his wife's-your grandmother's, name? A Yes sir,
Misa.
Q Did she have any Choctaw blood? A Not as I know of.
Q Do you know whether they were lawfully married? A I suppose so,
I don't know; they lived together as man and wife.
Q How long? A Up to his death.
Q How many children did they raise? A About thirteen, I think.

Pierson G. W. Hooks--2

- Q Do you know where he lived during his life time? A Chilton County.
- Q Did he live there all his life? A I suppose not, I don't know.
- Q Do you know where he lived elsewhere? A No sir.
- Q Do you know whether he ever lived in Indian Territory? A No sir.
- Q Or whether he was ever a recognized member of the Choctaw Tribe of Indians? A No sir.
- Q Or ever received any benefits as such? A No sir.
- Q Through which one of his parents did he derive his Indian blood? A His mother.
- Q What was her name? A Martha Martin.
- Q What was her maiden Name? A Martha Moore.
- Q Did you ever see her? A No sir.
- Q Where did she live? A I don't know where she lived.
- Q Do you know what her husband's name was? A Robert Martin.
- Q Did he have any Choctaw blood? A Not that I know of.
- Q How much Choctaw blood did Martha Moore have? A She claimed half.
- Q Do you know where she lived? A No sir.
- Q Do you know whether she ever lived in Indian Territory? A No sir, not that I know of.
- Q Whether she was ever a recognized member of the Tribe? A No sir.
- Q Or whether she ever received any benefits as such? A No sir.
- Q Do you through which one of her parents she derived her Choctaw blood? A No sir.
- Q Do you know the name of either one of her parents? A No sir.
- Q Or where they lived? A No sir.
- Q Are you married? A No sir.
- Q Ever been married? A No sir.
- Q This application then is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Did you or did anyone for you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made any application of any description prior to this time to either the Choctaw Tribal authorities or to the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of making application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Are you familiar with the provisions of that 14th article? A I have heard and think I understand it.
- Q You have heard it read here in the court room several times during the examination of applicants? A Yes sir.
- Q And you heard the circumstances of the making of this treaty and the reasons for it being made fully explained? A Yes sir.

Q You think you understand that fully, do you? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi or Alabama in the year 1830 when this treaty was made? A Not as I know of.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here at that time? A Not that I know of.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of your Choctaw ancestors previous to the year 1830 own an improvement upon what constituted the old Choctaw Nation here in Mississippi and Alabama? A No sir, not that I know of.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the United States Government under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14 or under the supplement to that treaty? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the States under the 14th article. The records of the Government show that that Agent failed to record and report to the Government the names of many Indians who did in fact signify to him their intention to remain here and become citizens. On this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the Government under this 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to proceed to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their lands had been sold by the Government and that they had received no benefits whatever under that article. By another act of Congress approved February 22, 1838, this Commission was continued until August 1st, 1838. The Commissioners were duly appointed by the President and they came down here to Mississippi and heard a few of these Choctaw cases but in that time allowed them they were unable to hear but a comparatively small portion of them and it therefore became

Pierson G. W. Hooks---4

necessary for proper provision to be made by which those who had not been heard might have their claims adjudicated and Congress passed another Act which was approved on the 31st day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these Choctaw cases. These Commissioners were duly appointed by the President and they came down to Mississippi and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select land, in lieu thereof, elsewhere in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors receive any scrip from the United States Government under the provisions of this 14th article of the treaty?

A No sir, not that I know of.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A No sir.

Q Did any of them ever receive any benefits as such? A No sir.

Q You never heard of any of your ancestors ever owning any land here in Mississippi? A No sir.

Q Or ever claiming any from the Government? A No sir.

Q Have you any witnesses here before the Commission today whom you desire to have testify in support of your application? A No sir, none today. They have been before the Commission.

Q What are their names? A Mr. and Mrs. Gusley and a man named Webb.

Q They are the witnesses who testified in the Susan J. Tippit cases? A Yes sir.

Q You and Susan J. Tippit and her family are the descendants of a common ancestor, are you? A Yes sir.

Q What is the name of that common ancestor? A Martha Moore.

Q Do you know of any persons living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, none only those that have been before the Commission.

Q Those that you have just named? A Yes sir.

Q They could not testify on that point, could they? A No sir, I don't know of any who could.

Q You did not understand that they could testify on that point, did you? A No sir.

Q Have you any written evidence of any kind that you want to offer? A No sir.

Q Do you think you want to offer written evidence later? A I don't know of any.

Q Do you know of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit

Pierson G. W. Hooks---8

Q Did you ever received any benefits thereunder? A No sir.

You will be allowed a reasonable time within which to submit proper written evidence in support of this application. The Commission will be glad however to have you offer such evidence as you may be able to submit within a period of thirty days from this date, if possible. If you should discover any witnesses whose testimony you might desire to have presented to the Commission, they may appear before us at Meridian, Mississippi, at any time prior to the 10th of this month and after that time the testimony of witnesses in this case will be heard, if presented, at Muskogee, Indian Territory, within a reasonable time.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any brothers living? A No sir.
Q Did you ever have any brothers? A One.
Q How old was he when he died? A Ten months.
Q Have you any sisters living? A Five.
Q Did you ever have any others? A No sir.
Q What are the names of these sisters? A The oldest is Elizabeth Hayes.
Q How old is she? A Twenty-eight.
Q Where does she live? A Selma, Alabama.
Q Has she been before the Commission? A No sir.
Q Is her husband living? A Yes sir.
Q What is his name? A W. S. Hayes.
Q What does that W. stand for? A William.
Q Has he any Choctaw blood? A Yes sir.
Q How much? A One sixteenth.
Q Is he any blood relation to his wife? A Yes sir.
Q What? A Cousin.
Q Has he been before the Commission? A Yes sir.
Q Have they any children? A Two.
Q What are their names? A Mary Lue and Pierson Lee.
Q What is the name of the next sister? A Renecoa Lue Hooks.
Q Where does she live? A Near Summerfield, Alabama.
Q How old is she? A Twenty-six.
Q Is her husband living? A Yes sir.
Q Has she been before the Commission? A Yes sir.
Q Has her husband any Choctaw blood? A Not as I know of.
Q Is her husband any blood relation to her? A Yes sir.
Q What? A Cousin.
Q Have they any children? A No sir.
Q What is the name of your next sister? A Ettie O. Merritt.
Q How old is she? A Twenty-two.
Q Where does she live? A Birmingham.
Q Is she the Ettie Merritt who appeared before the Commission this morning? A Yes sir.
Q Is her husband living? A Yes sir.
Q What is his name? A Samuel Merritt.
Q Has she any children? A No sir.
Q What is the name of your next sister? A Willie Jewers.
Q Where does she live? A Birmingham.
Q About how old is she? A Nineteen.
Q Has she been before the Commission? A Yes sir.
Q When? A October 2nd, 1904.

Pier con G. V. Hooks---6

- Q Is her husband living? A Yes sir.
Q What is his name? A Anthony Jowers.
Q Has he any Choctaw blood? A Not as I know of.
Q Have they any children? A No sir.
Q What is the name of your next sister? A Eliza Darcas Hooks.
Q How old is she? A Six years old.
Q With whom does she live? A She lives with Rebecca Lue Hooks.
Q Has any application been made for her? A Yes sir.
Q Who made that application? A Rebecca Lue Hooks.
Q Is that all your brothers and sisters? A Yes sir.

This applicant has the appearance and characteristics of a white man. He has dark hair, dark eyes and dark complexion. He does not speak or understand the Choctaw language. He shows no indications of being possessed of Indian blood.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 3rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 4th day of October, 1901, at Meridian, Mississippi.


Notary Public.

COMMISSIONERS
HENRY L. DAVIS.
TAMM BIRDY.
THOMAS B. NEEDLES.
C. R. BRIDGEMAN.

ALLISON L. AYLESWORTH.
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Pierson O. W. Hooks,
111 Water St.,
Selma, Ala.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Etta Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands un-der the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamo Bixby.*

Registered.

Acting Chairman.

COPY

M.C.R. 3682

Muskogee, Indian Territory, November 12, 1902.

Pierson G. W. Hooks,
#111, Water Street,
Selma, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

(SIGNED)

Tame Dixby.

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Pierson G. W. Hooks,
111 Water Street,
Selma, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

P.O.W.M., -2-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MUR-3682

Muskogee, Indian Territory, January 17, 1907.

Pierson G. W. Hooks,
111 Water Street,
Selma, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippet et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Wams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date OCT 3 1901

Name Pierson G. N. Hooks

Age 24

Blood

1/16

111 Water St.

Post Office, Selma, Ala.

Father: Marcus M. Hooks.

L

Mother: Susan Hooks.

d.

Claims through mother

Children:

(Claims for self alone)

Stenographer

J. L. Miles

Choctaw MCR 3683

Effie Harris

See MCR 203

MCR 3683

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 3rd, 1901.

In the matter of the application of Effie Harris for the identification of herself as a Mississippi Choctaw.

Said Effie Harris, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Effie Harris.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q How old are you? A Twenty-two.
Q What is your postoffice address? A Stanton, Alabama.
Q What County? A Chilton County.
Q How long have you lived there? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Payton Harris.
Q Has he any Choctaw blood? A No sir, not that I know of.
Q Is your mother living? A Yes sir.
Q What is her name? A Paralee Harris.
Q Has she any Choctaw blood? A Yes sir.
Q How much? A One eighth.
Q You get your Indian blood solely through your mother then? A Yes sir.
Q How old is your mother? A She is fifty-one years old.
Q How long has she lived in Chilton County? A About twenty-three years.
Q Where did she live before that? A In Dallas County; she was born and raised in Dallas County.
Q Was she ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory? A Yes sir, last Fall.
Q Where? At Hattiesburg.
Q You mean that she appeared before the Commission last Fall at Hattiesburg? A Yes sir.
Q She never lived in Indian Territory? A No sir.
Q Nor in Mississippi? A No sir.
Q Through which one of her parents did she derive her Indian blood? A Her father.
Q What was his name? A George Martin.
Q Did you ever see George Martin? A No sir.
Q When did he die? A He has been dead about twenty-three years.
Q Where did he live during his life time? A Lived in Dallas.
Q Do you know where he lived during his whole life? A No sir.
Q How old would he be if he were living now? A I suppose about seventy-five or eighty.
Q Did he ever live in Mississippi? A No sir, I don't know.
Q Or in Indian Territory? A No sir.
Q Was he ever a recognized member of the Choctaw Tribe of Indians? A No sir.
Q Did he ever receive any benefits as such? A No sir, not that I know of.
Q Do you know the name of your mother's mother? A Yes sir, Nancy Martin.
Q Did she have any Choctaw blood? A Not that I know of.
Q Do you know whether she was lawfully married to George Martin? A They say she was.

Effie Harris---2

- Q You don't know of your own knowledge? A No sir.
- Q Who is there living who would know about that? A I don't know, sir.
- Q How long did they live together as man and wife? A I couldn't tell you that.
- Q How many children did they raise? A Right.
- Q Which died first? A George Martin.
- Q Did they live together until his death? A Yes sir.
- Q Through which one of his parents did George Martin derive his Choctaw blood? A His mother.
- Q What was her name? A Martha Moore.
- Q That was her maiden name? A Yes sir, she was married to a Martin.
- Q What was her husband's name? A Robert M. Martin.
- Q Did you ever see either of them? A No sir.
- Q Do you know where they lived? A No sir.
- Q Do you know whether either of them spoke or understood the Choctaw language? A No sir, I do not.
- Q Do you know whether Martha Martin was ever a recognized member of the Choctaw Tribe of Indians? A No sir.
- Q Or whether she ever received any benefits as such? A No sir.
- Q Do you know the name of either of her parents? A No sir.
- Q Do you know where they lived? A No sir.
- Q How much Choctaw blood did Martha Martin have? A Half.
- Q Are you married? A No sir.
- Q This application is for yourself only, then? A Yes sir.
- Q Was your mother ever married more than once? A Yes sir, she was married twice.
- Q Did she have children by her first husband? A Yes sir, but it died.
- Q Is her first husband dead? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of the Tribe? A No sir.
- Q Did you or did anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No sir.
- Q Did you ever make any application of any description prior to this time to either the Choctaw Tribal authorities or the United States authorities to be admitted or enrolled as a member of that Tribe? A No sir.
- Q You did not appear at Hattiesburg when your mother was there? A No sir.
- Q Do you appear before the Commission at this time for the purpose of making application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article? A I think so.
- Q You have heard it explained here in the court room several times

Effie Harris---3

during the examination of other applicants, have you not? A Yes sir

Q Do you understand the circumstances of the making of this treaty? A I think so.

Q If there is any doubt about understand this 14th article I will read it to you again? A I think I understand it.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Were any of your ancestors living here in the old Choctaw Nation in 1830 when this treaty was made? A I don't know, sir.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here at that time? A Not that I know of.

Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw Nation here in Mississippi and Alabama at that time? A If they did, I don't know anything about it.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors claim or receive any land here in Mississippi from the Government of the United States as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States as beneficiaries under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14 or under the supplement to that treaty? A No t that I know of.

Q So far as you know, none of them ever got any land here in Mississippi? A No sir.

Q Did they own any? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the States under that 14th article. The records of the Government show that that Agent failed to record and report to the Government the names of many Indians who did in fact signify to him their intention to remain here and take advantage of its provisions. On this account the Government, in many instances, sold land upon which Indians had improvements and which they supposed they would receive under this 14th article. This occasioned a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an Act, which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the applications of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the

Effie Harris---4

treaty of Dancing Rabbit Creek but had received no benefits thereunder. This Commission was duly appointed by the President and the Commissioners came down here and heard some of these cases but in the time allowed them by this and a supplementary act of Congress approved February 22, 1838, they were unable to hear but a comparatively few of these cases. It, therefore, became necessary for Congress to make a further provision whereby the remainder of the Choctaws who had not been given a hearing before this Commission might be given a hearing and an Act of Congress was approved on the 23rd day of August, 1842, providing for the appointment of another Commission whose duty it should be to come down here and finish up the hearing of these cases. These Commissioners were duly appointed by the President and they came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know, sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects ~~ix~~ with the provisions of article 14 of the treaty but that his land had been sold by the Government, he should be entitled to select land elsewhere, in lieu thereof, in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this Act of Congress? A Not that I know of.

Q As far as you know then, none of your ancestors were ever recognized members of the Choctaw Tribe of Indians? A No sir.

Q And none of them ever received any benefits as such? A No sir, not that I know of.

Q Do you know anyone living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I do not.

Q Have you any witnesses before the Commission today whom you desire to introduce? A Not today, but I had some, Mr. and Mrs. Ousley.

Q Any others? A No sir.

Q Mr. and Mrs. Ousley are the witnesses who gave their testimony in the Susan J. Tippit cases, are they not? A Yes sir.

Q You and Susan J. Tippit and her family are the descendants of a common ancestor? A Yes sir.

Q What is the name of that common ancestor? A Martha Moore, afterwards Martha Martin.

Q Have you any other witnesses you want to introduce? A No sir.

Q Any written evidence you desire to offer? A No sir.

Q Do you know of the existence of any written evidence which would show or tend to show whether any of your ancestors complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I do not.

Effie Harris---5

Q Do you desire to offer further written evidence at a later date?
A Yes sir, I may.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission would be glad to have you, in case you see fit to offer any written evidence, file same within a period of thirty days from this date, if possible. If you should discover any other witnesses whom you desire to have appear before the Commission, those witnesses may appear before us at Meridian, Mississippi, at any time prior to the 10th of this month. Thereafter they may appear within a reasonable time at the office of the Commission at Atoka, Indian Territory, and their testimony will be taken.

Q Do you speak or understand the Choctaw language? A No sir.
Q Did any of your ancestors ever, so far as you know? A No sir.
Q Do any of your living relatives speak or understand it? A No sir, not that I know of.
Q Are there any further statements you desire to make? A No sir.
Q Have you any brothers living? A Yes sir, two brothers living.
Q What is the name of the oldest? A Curtis.
Q How old? A Twenty years old.
Q Does he live at home? A Yes sir.
Q What is the name of the next one? A Clyde.
Q How old is he? A Eleven or twelve.
Q Have you any sisters living? A Yes sir, two.
Q What are their names? A Nannie and Vergie.
Q They are minors, are they? A Yes sir.
Q Is that all your brothers and sisters that are living? A Yes sir.
Q Are there any deceased? A Yes sir, a half brother.
Q What is his name? A Willie Campbell.
Q What was your mother's first husband's name? A William Campbell.
Q Has your mother any brothers living? A Yes sir, two.
Q What are their names? A William Martin and Frank Martin.
Q Where do they live? A William Martin lives near Summerfield, Alabama, and Frank Martin lives near Stanton, Alabama.
Q How old is William? A I don't know, sir, suppose he is between fifty-five or sixty.
Q Has he been before the Commission? A No sir.
Q What is his wife's name? A Jinnie.
Q Has she any Choctaw blood? A No sir, not that I know of.
Q How old is the other brother of your mother? A He is about forty-seven or forty-eight.
Q Is he married? A Yes sir.
Q What is his wife's name? A Carrie.
Q Has she any Choctaw blood? A No sir, not that I know of.
Q Did your mother ever have any other brothers? A Yes sir one more.
Q What was his name? A Wiley Martin.
Q How old was he when he died? A I don't know, sir.
Q Did he leave a family? A Yes sir.
Q Where do they live? A I don't know, sir.
Q Do you know their names? A Yes sir.
Q Give us the names of the children? A Van Buren Martin is the oldest. The next one is Sam Reynolds; next one is Arthur Martin; next one is Cecil Martin; next one Joe Martin.
Q Has your mother any sisters living? A Yes sir, two.

Effie Harris---8

- Q What are their names? A Susan Davis and Nannie Parnell.
Q Where does Susan Davis live? A Ridgelyville, Alabama.
Q Has she been before the Commission? A No sir.
Q What is her husband's name? A William Davis.
Q How old is Susan? A She is about fifty-five.
Q Where does Nannie Parnell live? A At Stanton, Alabama.
Q How old is she? A About forty-five I reckon.
Q Has she been before the Commission? A Yes sir.
Q When? A Last Fall or Spring.
Q Where? A At Meridian, Mississippi.
Q What is her husband's name? A Tom Parnell.
Q Has your mother any sisters dead? A Yes sir, two dead.
Q Did they leave families? A One of them did, the oldest one.
Q What was her name? A Martha Ann.
Q What was her other name? A Reedy.
Q She married more than once? A Yes sir, two times.
Q What was her first husband's name? A William Hicks.
Q Did she have any children by him? A Yes sir, one.
Q Is that child living? A No sir.
Q Did it leave a family? A No sir.
Q What was her second husband's name? A John Reedy.
Q Are any of her children by John Reedy living? A Yes sir.
Q What are their names? A Emma Wiley; next is Wiley Reedy.
Q Where does Emma Wiley live? A In Louisiana, I think.
Q Is she married? A Yes sir, been married.
Q Where does Wiley Reedy live? A I don't know, sir.
Q He is in the penitentiary, isn't he? A Yes sir.

This applicant has the appearance of being a white woman. She shows no indications of being possessed of Indian blood; has light brown hair, light eyes and fair complexion. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 3rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 5th day of October, 1901, at Meridian, Mississippi.

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, April 21, 1902.

Effie Harris,

Stanton, Ala.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Willie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Marvin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

 *Tame Dixby.*

Registered.

Acting Chairman.

COPY

N.C.R. 3635

Muskogee, Indian Territory, November 12, 1902.

Effie Harris,

Montgomery, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippet, et al., of which decision you were advised by registered mail on the 1st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

SIGNED

Tamr Bixby

Acting Chairman

Muskogee, Indian Territory, December 31, 1903.

Effie Harris,

Stanton, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

E. E.———

I now direct the Commission to notify you that if you wish to take any further action relative to the motion filed by W. H. Springer, on March 24, 1935, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MEM-3683

Muskogee, Indian Territory, January 17, 1907.

Effie Harris,
Stanton, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date OCT 3 1901

Name Effie Harris

Age 22 Blood 1/16

Post Office, Stanton, Ala

Father: Peyton Harris L

Mother: Paralee L

Claims through mother

Children:

(Claims for ...)

Stenographer

G. Miles

Choctaw MCR 3684

Walter Martin

See MCR 203

MCR 3684

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 3, 1901.

In the matter of the application of Walter Martin for identification as a Mississippi Choctaw.

Walter Martin, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Walter Martin.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q How old are you? A I am twenty five years old.
Q What is your post office address? A Burnsville, Alabama.
Q What county? A Dallas county.
Q How long have you lived in that county? A Six years.
Q Where did you live before you lived there? A I don't live in Dallas county, I live in Autauga county.
Q How long have you lived in Autauga county? A I was born there and I have lived there all my life.
Q Is your father living? A Yes sir.
Q What is his name? A Robert Martin.
Q Has he any Choctaw blood? A Yes sir.
Q How much? A One eighth.
Q How old a man is he? A He is about forty seven or forty eight
Q Where does he live? A In Autauga county.
Q Has he ever been before the Commission? A Yes sir.
Q When? A He went to Hattiesburg, I disremember when it was.
Q Is your mother living? A Yes sir.
Q What is her name? A Victoria.
Q Has she any Choctaw blood? A None that I know of.
Q You get your Choctaw blood solely through your father? A Yes sir
Q Were your father and mother lawfully married? A Yes sir, I suppose so.
Q How long have they lived together as man and wife? A About twenty six years.
Q You are the eldest child? A Yes sir.
Q Were either of them ever married more than once? A No sir.
Q How long has your father lived in Autauga county? A All his days, he was born and raised there
Q Do you know when and where your mother and father were married.
A They were married at my mother's father's place.
Q Where? A In Autauga county.
Q Do you know just when it was? A No sir.
Q Do you know who performed the marriage ceremony? A I think it was Brother Green, a preacher. I think I have heard them say that was who it was.
Q Did you ever see their license? A No sir.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir, not that I know of.
Q He never has been out there in the Indian Territory? A No sir.
Q And he never has received any benefits as a Choctaw Indian? A No sir.

Walter Martin-----2.

- Q Through which one of his parents did your father get his Choctaw blood? A His father.
- Q What was his name? A David Martin.
- Q Did you ever see him? A No sir.
- Q When did he die? A I don't know that he is dead; he ran away when my father was about ten years old--he didn't run away, I think he went to the war.
- Q To the Civil War? A Yes sir.
- Q And never has been heard from since? A Heard from him once in Texas, but we didn't know whether it was exactly him or not--it was a David Martin, supposed to be him.
- Q When was that? A That was twenty years ago.
- Q Never have heard from him since that? A No sir.
- Q Is your father's mother living? A No sir.
- Q What was her name? A Her name was Kitty.
- Q Was that her name or that a nickname? A I don't think that was a nickname.
- Q How long has she been dead? A She has been dead about twenty-five years--twenty four or twenty five years.
- Q Did she have any Choctaw blood? A Not that I know of.
- Q Do you know whether she and your grandfather were lawfully married? A Yes sir, that is what I have always heard, I don't know, I have always heard that.
- Q How long did they live together as man and wife? A I don't know.
- Q How many children did they have? A Only one.
- Q That was your father? A Yes sir.
- Q Do you know any one living who would know whether they were lawfully married? A Yes, I think I could.
- Q Why? A I have three or four uncles that may have been at the marriage.
- Q What are their names? A Sallie Dunder.
- Q Where does she live? A Autauga county.
- Q Next one? A Nannie Searborough.
- Q Where does she live? A In Autauga county.
- Q Another one? A I suppose my mother's father Las Davis.
- Q Where does he live? A He lives in Autauga too.
- Q How old would David Martin be if he were living now? A I couldn't tell you, I suppose he would be up in seventy somewhere--may be sixty five or seventy years old; he was the youngest one of that family or next to it.
- Q Through which one of his parents did he derive his Choctaw blood? A His mother.
- Q What was her name? A Her name was Martha Martin and her maiden name was Martha Moore.
- Q Did you ever see her? A No sir.
- Q Do you know how old she would be if she were living now? A No, sir.
- Q Do you know where she lived during her lifetime? A No sir, she lived in Dallas county, Alabama-- I don't know whether she lived there all her days, but I think that is where she lived, and where she died.
- Q How much Choctaw blood did she have? A She was half Choctaw.
- Q Do you know whether she spoke or understood the Choctaw language? A No sir.
- Q Do you know whether any of your ancestors did? A Not that I know of.
- Q What was Martha's husband's name? A Robert Martin.
- Q Did he have any Choctaw blood? A None that I know of.

Walter Martin-----3.

Q Do you know the name of Martha Martin's father or mother? A No, sir.

Q You know nothing about any of her ancestors? A No sir.

Q Do you know whether Martha was a recognized member of the Choctaw tribe of Indians? A No sir, I don't know.

Q Do you know whether she ever received any benefits as such? A No

Q Do you know whether your grandfather David Martin was ever a recognized member of the tribe or ever received any benefits as such?

A No sir, I don't know.

Q Was he ever married more than once? A No sir, I don't believe he was, not to my knowledge.

Q Was your father ever married more than once? A No sir.

Q Was Robert Martin ever married more than once, your great grand father? A I don't know.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q Has she any Choctaw blood? A No sir.

Q You make no claim for her then? A No sir.

Q What is her name? A Etta Martin.

Q Have you any children? A No sir.

Q This application is for yourself only? A Yes sir.

Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever been married more than once? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No.

Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? Or did any one else make such an application in your behalf? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation Indian Territory by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made any application of any description prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Do you now desire to make application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Are you familiar with the fourteenth article of the treaty of Dancing Rabbit Creek? A I think I understand it.

Q You have been in the court room here for two or three days and heard it explained several times? A Yes sir.

Q And you have heard the circumstances of the making of that treaty explained? A Yes sir.

Q Do you think you understand it thoroughly? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in 1830 when this treaty was made? A No

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here at that time? A No sir.

Walter Martin-----4.

Q Did any of your ancestors own any improvement at that time on what constituted the old Choctaw Nation here in Mississippi and Alabama?

A Not that I know of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A No sir.

Q Did any of your ancestors ever live in Indian Territory? A No sir not that I know of.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the states in accordance with the provisions of article fourteen of that treaty? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi under the provisions of that fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement of that treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states and take advantage of the provisions of that article. The records of the government show that this agent failed to record and report to the government the names of many Choctaw Indians who did in fact signify to him their intention to remain and become citizens of the states, and on this account in many instances the land upon which Choctaws lived and owned improvements were sold by the government at its public land sales here in Mississippi and the Choctaws were deprived of their land. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down to Mississippi and hear the applications of Choctaws who claimed that they had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that they had not received any benefits thereunder. This Commission was duly appointed by the President and they came down here in Mississippi and heard a few of these cases, but in the time allowed to them by the acts of Congress of March 3, 1837, and a subsequent act approved February 22, 1838, they were unable to dispose of but a comparatively small number of cases, and it therefore became necessary for Congress to make further provisions whereby the rights of the remaining Choctaws who had not been given hearings might be adjudicated. For this purpose another act of Congress was passed, which was approved on the 23rd day of August, 1842. That act provided for the appointment of a second Commission whose duty it should be to come down to Mississippi and hear the remainder of these cases. These Commissioners were appointed by the President

Walter Martin-----5.

and they came down here in Mississippi and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty but that his land had been sold by the government and he had been deprived of it, he should be entitled to select in lieu thereof other land in the state of Mississippi, or in Alabama, Louisiana or Arkansas to be taken from vacant government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States government? A No sir.

Q As far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Were any of them ever recognized members of the Choctaw tribe? A Not that I know of.

Q You never heard of any of your ancestors ever claiming or receiving any land here in Mississippi from the government? A No sir.

Q You never heard of any of them owning any land here? A No sir.

Q Have you any witnesses before the Commission whom you desire to introduce in this case? A Mr Ousley and his wife were here.

Q They are the witnesses who were here yesterday in the Tippit cases? A Yes sir.

Q You and Susan J. Tippit are descendants of a common ancestor, I believe? A Yes sir.

Q What is the name of that ancestor? A Martha Moore or Martha Martin.

Q Do you know of any person living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or received any benefits thereunder? A No sir.

Q Do you know of the existence of any written evidence showing or tending to show that any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article or ever received any benefits thereunder? A No sir.

Q Have you any written testimony you want to offer? A No sir.

Q Do you want to offer some at a later date. A I don't know.

You will be allowed a reasonable time in which to offer proper written evidence in support of your claim. The Commission would be glad if you should see fit to offer any written evidence to have you offer it at the earliest possible date, within thirty days if possible. If you should discover any witnesses whose testimony you might think would be important in your case and whom you desire to present before the Commission for examination, they may appear before us here at Meridian at any time prior to the tenth of this month and their testimony will be taken. After that time witnesses may appear before the Commission at Ateka, Indian Territory within a reasonable time and their testimony will be taken.

Walter Martin-----6.

- Q Are there any further statements you want to make? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Do you know of any of your living relatives who can speak or understand that language? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A I have six.
Q What are their names? A The eldest one is Ben.
Q Next one? A Dave and then Charley, George Silas and Paul.
Q Are any of them of age? A No sir.
Q Have you any sisters living? A Yes sir.
Q How many? A I have six sisters living.
Q What are the names of your sisters? A One sister is dead, the eldest one.
Q Was she married when she died? A Yes sir.
Q Did she leave any children? A No sir.
Q What are the names of your living sisters? A The eldest one is Mary, then Edna, Della, Inez, Mula and Grace.
Q Have you any brothers dead? A No sir.
Q Are any of your sisters married? A No sir.
Q Your father has no brothers or sisters? A No sir.

This applicant has the appearance of being a white man and shows no indications of being possessed of Indian blood. He has brown hair and eyes and fair skin. He does not speak or understand the Choctaw language.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 3rd day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of October, 1901.

[Signature]

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH.
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Walter Martin,

Burnsville, Ala.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Lance Dixon.

Registered.

Acting Chairman.

NOV
M.C.R. 3424

Muskogee, Indian Territory, November 12, 1902.

Walter Martin,

Barnesville, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902,

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

(SIGNED)

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Walter Martin,

Burnsville, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

W.M., -2-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MCR-3684

Muskogee, Indian Territory, January 17, 1907.

Walter Martin,

Burnsville, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 26, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Wm Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

OCT. 3 1901

Name *Walter Martin*

Age *25*

Blood *1/16*

Post Office, *Burnsville, Ala.*

Father: *Robert Martin*

S

Mother: *Victoria* "

S

Claims through *father*

wife *Etta Martin*

no claim for wife.

Children:

(Claim for himself alone)

Stenographer

H.C. Ritten

Choctaw MCR 3685

James W. Campbell

See MCR 203

MCR 3685

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 3, 1901.

In the matter of the application of James W. Campbell for the identification of himself and three minor children as Mississippi Choctaws.

James W. Campbell, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A James W. Campbell.
Q What amount of Choctaw blood do you claim to have? A One sixteenth.
Q How old are you? A Thirty three.
Q What is your post office address? A Aldrich, Shelby county, Alabama.
Q How long have you lived there? A Two years.
Q Where did you live before that? A I lived one year at Briarfield, Alabama.
Q Where did you live before that? A In Perry county, four years.
Q And where did you live before that? A In Chilton county.
Q How long? A I was born in Chilton county, Alabama, and lived there and in adjoining counties all my life.
Q Is your father living? A No sir.
Q What was his name? A John D. Campbell.
Q Did he have any Choctaw blood? A No sir.
Q Is your mother living? A Yes sir.
Q What is her name? A M. Missouri Campbell.
Q How old is she? A Fifty two years old.
Q Where does she live? A Bibb County.
Q Alabama? A Yes sir.
Q Has she been before the Commission? A No sir.
Q How long has she lived in Bibb county? A Two years.
Q Has she lived in Alabama all of her life? A Yes sir.
Q You get your Indian blood solely through her? A Yes sir.
Q Through which one of her parents did she get her Indian blood?
A Her father.
Q What was his name? A James Martin--I think his middle initial is "M".
Q Did you ever see him? A Yes sir.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
Q How old do you think James Martin would be if he were living now? A I suppose he would be ~~about~~ seventy five or eighty years old.
Q When did he die? A Twenty four years ago.
Q Where did he live during his life time? A In Chilton county, as far as I know.
Q You don't know where else he ever lived? A No sir.
Q Do you know whether he was ever a recognized member of the Choctaw tribe of Indians? A No sir.
Q Was your mother ever a recognized member of the tribe? A No sir.
Q What was the name of your mother's mother? A Klisa.
Q Did she have any Choctaw blood? A No sir.
Q Was James Martin ever married more than once? A No sir.

James W. Campbelle-----2.

Q Do you know whether he was lawfully married to Eliza? A Only by just hearing my people and others speak of them being married; of course I do not know.

Q Do you know how long they lived together as man and wife? A No, sir, I don't know. They lived together until he died.

Q How many children did they raise? A I don't know sir.

Q About how many? A I don't know, I could call the names of some of them.

Q Was there six or eight do you suppose? A There was more than that. There must have been ten or more.

Q Through which one of his parents did James Martin get his Indian blood? A His father.

Q What was his name? A Robert Martin.

Q Are you sure it was through his father? A Yes sir.

Q Now listen to the question closely: Through which one of his parents did James Martin get his Indian blood? A Through his mother

Q You were mistaken in saying it was through his father? A Yes sir

Q How did you come to make that mistake? A Just by not thinking.

Q What was his mother's name? A Martha Martin--Martha Moore before she was married

Q Did you ever see her? A No sir.

Q Do you know how old she would be if she was living now? A No sir

Q How much Indian blood did she have? A One half.

Q Where did she live? A I suppose in Dallas county; I know about where she lived--it is right on the line between Dallas and Perry counties.

Q Alabama? A Yes sir.

Q Do you know how long she lived there? A No sir.

Q Do you know anywhere else she ever lived besides this? A No sir, I don't know.

Q Was she ever a recognized member of the Choctaw tribe of Indians? A No sir.

Q What was her husband's name? A Robert Martin.

Q Did he have any Choctaw blood? A I don't know.

Q Do you know the names of Martha Martin's father and mother? A No sir.

Q Do you know where they lived? A I have heard where they lived and I have heard what his name was, but not through my mother.

Q When did you hear that? A Only since I have been here.

Q What did you hear it was? A I heard his name was John Moore.

Q Did he have any Indian blood according to what you heard? A I heard he was a full blood Choctaw.

Q Where did you hear that he lived? A It was somewhere in Mississippi, but I disremember.

Q Whom did you hear say that? A I have the gentleman's name here if you will allow me to refer to it---R.L.Webb.

Q He was a man who was here on Tuesday as a witness in the Tippit cases? A Yes sir.

Q You and Susan J. Tippit are descendants of a common ancestor?

A Yes sir.

Q What is that common ancestor's name? A Martha Moore.

Q Do you know whether John Moore was ever a recognized member of the Choctaw tribe? A No sir, I do not know.

Q Are you married? A Yes sir.

Q Have you ever been married more than once? A No sir.

Q Is your wife living? A Yes sir.

Q Has she any Choctaw blood? A No sir.

Q What is her name? A Susan.

Q You make no claim for her? A No sir.

James W. Campbell----3.

Q Have you any children? A Yes sir.
Q How many? A Three.
Q What are their names and ages? A Lillian E.
Q How old? A Nine.
Q Next? A Lela G.
Q How old? A She is seven.
Q Next one? A Mamie I.
Q How old? A Four.
Q Is that all? A Yes sir.
Q Are these the children of yourself and Susan Campbell? A Yes sir
Q Do they live with you? A Yes sir.
Q Were you married to Susan under a license? A Yes sir.
Q When? A In 1890.
Q Where? A I was married in Autauga county, but I got my license in Chilton county.
Q Alabama? A Yes sir.
Q At what place were you married? A Will you allow me to correct my statement---My wife lived in Autauga up until about two weeks before we were married and moved into Chilton county, and I had to go to Chilton county to get my license.
Q Where were you married? A At George Wilburn's house; his wife is a sister to my wife.
Q In what county? A Chilton county, Alabama.
Q Who performed the marriage ceremony? A A preacher by name of Taylor.
Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary that you furnish the Commission with proper evidence of your marriage to your wife Susan. You may either send the original license and certificate or a certified copy thereof.

Q This application then is for yourself and three minor children?
A Yes sir.
Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that tribe? A No sir.
Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children? A No sir.
Q Have you or any of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made any application of any description before this for yourself or any of these minor children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these minor children under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Are you familiar with the fourteenth article of the treaty of Dancing Rabbit Creek? A I think so by hearing you repeat it before
Q You have heard it read several times in the Court room during the last day or two? A Yes sir.

James W. Campbell-----4.

Q And you have heard the circumstances and the causes for the treaty having been made explained fully? A Yes sir.

Q And you think you understand that now, do you? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not that I know of.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Not that I know of.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here at that time? A Not that I know of.

Q Did any of your Choctaw ancestors own any improvements here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of any other article of that treaty than article fourteen or under the supplement? A No sir, not that I know of.

Q So far as you know did any of your ancestors ever own any land whatever here in Mississippi? A No sir.

Q And never claimed any from the government? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Indians who did in fact signify to him their intention to remain and become citizens and take advantage of the provisions of the fourteenth article. On this account, the government at its public land sales in many instances sold land upon which Choctaws lived and owned improvements and which they supposed they would receive from the government under this fourteenth article. This action of the government in selling their land caused a great deal of complaint and dissatisfaction among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here in Mississippi and hear cases of Choctaws who claimed they had complied with article fourteen, but that their land had been taken from them by the government. This Commission was duly

James W. Campbell----5.

appointed by the President and the Commissioners came down here and heard a few of these cases. But on account of the limited time allowed these Commissioners by the act of March 3, 1837, under which they were appointed, and another act approved on the 22nd day of February, 1838, continuing the Commission until August 1, 1838, they were unable to dispose of but a comparatively small number of these cases, and it became necessary for Congress to make provision whereby the Choctaws who had not been given a hearing might be heard, and for this purpose another act was approved on the twenty third day of August 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these Choctaw cases. This second Commission was duly appointed by the president and the Commissioners came down here and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but ~~had not~~ his land had been sold by the government, and he had never received any benefits under that fourteen article, he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A Not that I know of.

Q So far as you know none of your ancestors ever received any land from the United States government? A No sir.

Q And none of them were ever recognized members of the Choctaw tribe? A No sir.

Q Or ever received any benefits as such? A No sir.

Q Do you know any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any witnesses before the Commission today that you want to introduce? A Only the witnesses that have been here--Mr and Mrs Ousley.

Q You mean the witnesses who were here yesterday in the Susan J. Tippet cases? A Yes sir.

Q You and Susan J. Tippet are descendants of the same common ancestor? A Yes sir.

Q What is the name of that common ancestor? A Martha Moore.

Q You have no other witnesses to introduce? A No sir.

Q Have you any written evidence of any kind to offer? A No sir.

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

James W. Campbell-----6.

Q Do you think you will want to offer written evidence at a later date? A I don't know.

You will be allowed a reasonable time in which to offer proper written evidence in this case. The Commission will be glad to have you offer such evidence in case you see fit to offer any within a period of thirty days from this date. If you should discover any witnesses who you want to have testify in your behalf, in this case, those witnesses may appear before the Commission here at Meridian at any time before the tenth of this month, or within a reasonable time thereafter such witnesses might appear before the Commission at Atoka, Indian Territory.

Q Are there any further statements you want to make? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Do you know of any of your relatives who can? A No sir.
Q As far as you know ~~did~~ did any of your ancestors ever speak or understand the Choctaw language? A No sir, not as far as I know.
Q Have you any brothers living? A One brother.
Q What is his name? A John E. Campbell--he goes by the name of Elijah.
Q How old is he? A He is somewhere about twenty six.
Q Where does he live? A He lives in Bibb county.
Q Alabama? A Yes sir.
Q Has he been before the Commission? A No sir.
Q Is he married? A No sir.
Q Did you ever have any other brothers? A Yes sir.
Q How many? A I believe I had two.
Q Did they die in infancy? A Died very small yes sir.
Q Have you any sisters living? A Four.
Q What are their names? A One is named Alice R. Massey.
Q How old is she? A She is about thirty years old.
Q Where does she live? A She lives in Perry county.
Q Alabama? A Yes sir.
Q Has she been before the Commission? A No sir.
Q Is her husband living? A No sir.
Q What is his name? A James Massey.
Q Has he any Indian blood? A No sir.
Q How many children have they? A They have two that I know of.
Q What are their names? A One is named May, the oldest one---and the other one is Johnnie D.
Q What is the name of your next sister? A Annie E. Atchison.
Q How old is she? A I suppose she is about twenty three or twenty four years old.
Q Where does she live? A Selma, Alabama.
Q Has she been before the Commission? A Yes sir.
Q When? A She was here yesterday.
Q What is her husband's name? A Luther Atchison.
Q Has he any Choctaw blood? A No sir.
Q How many children have they? A Two.
Q What are the names of these children? A One is named Luther D. and the other one is Edward W.
Q What is the next sister's name? A Mildred Annette Wallace.
Q She goes by the name of Nettie.
Q How old is she? A She is about twenty one I think.

James W. Campbell-----7

- Q Where does she live? A She lives in Perry county.
Q Alabama? A Yes sir.
Q Has she been before the Commission? A No sir.
Q Is her husband living? A Yes sir.
Q What is his name? A Algernon Wallace.
Q Has he any Choctaw blood? A No sir.
Q Have they any children? A No sir.
Q What is the name of your next sister? A Amanda M. Massey.
Q How old is she? A She is about eighteen or nineteen.
Q Where does she live? A She lives in Perry county, Alabama.
Q Has she been before the Commission? A No sir.
Q Is her husband living? A Yes sir.
Q What is his name? A Reginald Massey.
Q Has he any Choctaw blood? A No sir.
Q Have they any children? A They have two that I know of.
Q What are their names? A The oldest one is Anna Lou, and I don't know the other one's name.
Q Is that all of your sisters? A Yes sir.
Q Have you any sisters dead? A I have one dead.
Q How old was she when she died? A About fourteen months old.
Q Has your mother any brothers living? A Yes sir.
Q How many? A One.
Q What is his name? A David M. Martin.
Q Where does he live? A Near Plantersville, Alabama.
Q What is his wife's name? A Emerine.
Q Have they any children? A Yes sir.
Q How many? A Two.
Q What are their names? A The oldest one is named Arthur, and Evie.
Q Has your mother any sisters living? A Yes sir.
Q What are their names? A There is one named Emily Faves.
Q Where does she live? A Birmingham.
Q Is she the Emily A. Faves who was here on Tuesday of this week?
A Yes sir.
Q Give the name of the next one? A I couldn't be positive about her having another sister living, she has one who moved away from Birmingham a few years ago that I knew by name of Sarah Smith.
Q Where did she move to? A I understand they went to Oklahoma.
Q What was her husband's name? A John Smith.
Q Did they have any children? A Yes sir.
Q When did they leave Birmingham? A I couldn't answer you direct. It has been some two or three years ago.
Q Has she any other sisters living? A Martha Wright.
Q Where does she live? A Perry county, Alabama.
Q What is her husband's name? A His name was William Wright.
Q He is dead? A Yes sir.
Q Is that all of your mother's living sisters? A Yes sir.

This applicant has ever appearance and characteristic of a white man. He shows no indication of being possessed of Indian blood; he has light hair, light eyes and light complexion. He does not speak or understand the Choctaw language.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 3rd day of October, 1901, and that the above and foregoing is

EX-1310

Full, clear and complete of his personal notes of and
information received from

H. C. R. Taylor

interviewed and shown to Taylor at Meridian, Mississippi this
1st day of January, 1901.

[Signature]
JAMES H. HALL.

EX-1310

EX-1310

EX-1310

Muskogee, Indian Territory, October 30, 1901.

J. B. Arnold,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 28, inclosing certified copy of marriage license and certificate between James W. Campbell and Susie Rolling, which you offer for filing in support of the application for identification as Mississippi Choctaws of James W. Campbell and his minor children. The same has been made a part of the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

MC 3685

COPY.

COMMISSIONERS

HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH.
SECRETARY

Muskogee, Indian Territory, April 21, 1902.

James W. Campbell,

Aldrich, Ala.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan J. Tippit, et al.,	M	C	R	203
Alva N. Tippit, et al.,	M	C	R	202
John R. Tippit, et al.,	M	C	R	204
Mary E. Tippit,	M	C	R	347
Suetta Tippit,	M	C	R	348
Marion N. McGee, et al.,	M	C	R	1048
James F. McGee, et al.,	M	C	R	1049
Mattie Walker, et al.,	M	C	R	1160
Marion E. Martin,	M	C	R	1161
David Martin, et al.,	M	C	R	1162
Callie Walker, et al.,	M	C	R	1164
Sallie Carroll, et al.,	M	C	R	1165
Verna Annabel Pierson, et al.,	M	C	R	1176
George F. Martin, et al.,	M	C	R	1182
Malitee Paralee Harris, et al.,	M	C	R	1185
Robert M. Martin, et al.,	M	C	R	1188
Neatie Bozeman,	M	C	R	1189
Rutherford McDuffey Martin,	M	C	R	1190
Rotha B. Walker,	M	C	R	1191
David Moseley Walker,	M	C	R	2086
Evie Melton, et al.,	M	C	R	2138
Robert F. Williams, et al.,	M	C	R	2245
William H. Williams,	M	C	R	2246
Mollie Williams,	M	C	R	2247
Maggie Williams,	M	C	R	2248
Susan A. B. Terry, et al.,	M	C	R	2325
John H. Martin, et al.,	M	C	R	2326
Joseph P. Martin,	M	C	R	2327
Ada Wylie,	M	C	R	2480
William T. Wright,	M	C	R	2481
Mitchel L. Wright, et al.,	M	C	R	2482

Martha L. Wright, et al.,	M	C	R	2483
James G. Wright, et al.,	M	C	R	2484
Nannie Parnell, et al.,	M	C	R	2493
Thomas M. Martin,	M	C	R	2501
Robert A. Martin,	M	C	R	2508
Anna Parnell, et al.,	M	C	R	2637
William S. Eaves, et al.,	M	C	R	3621
Rebecca Lue Hooks, et al.,	M	C	R	3622
Sarah J. Chambers, et al.,	M	C	R	3668
Emily A. Eaves, et al.,	M	C	R	3669
Willie Jowers,	M	C	R	3670
Annie Atchison, et al.,	M	C	R	3671
William F. Martin, et al.,	M	C	R	3677
Mary J. Tate, et al.,	M	C	R	3678
Eliza Perkerson,	M	C	R	3679
Ettie Merritt,	M	C	R	3680
Jesse Z. Eaves, et al.,	M	C	R	3681
Pierson G. W. Hooks,	M	C	R	3682
Effie Harris,	M	C	R	3683
Walter Martin,	M	C	R	3684
James W. Campbell, et al.,	M	C	R	3685
Margaret Missouri Campbell,	M	C	R	3745
Elijah Campbell,	M	C	R	3746
Mildred Annett Wallace,	M	C	R	3747
Eliazer J. Milling, et al.,	M	C	R	3748
James Eaves,	M	C	R	3749
Walter Eaves,	M	C	R	3750
David W. Martin, et al.,	M	C	R	3909
Mattie Warner,	M	C	R	3910
Vesta M. Herod,	M	C	R	3911
Robert W. Martin, et al.,	M	C	R	4491

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tame Dixby.

Registered.

Acting Chairman.

COPY.

M.C.R. 3680

Muskogee, Indian Territory, November 12, 1902.

James W. Campbell,
Aldrich, Alabama,

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

SIGNED

Tams Birby,
Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

James W. Campbell,
Aldrich, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 26, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

I.V.C., -3-

most now directs the Commission to notify you that if you wish to take any further action relative to the petition filed by W. H. Springer, on March 24, 1908, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MCB-1000

Muskogee, Indian Territory, January 17, 1907.

James W. Campbell,
Aldrich, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Tams Bixby.


Commissioner.

3685

OF THE INTER-
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

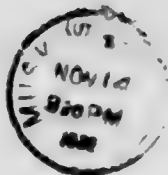
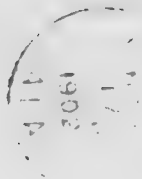
DEC 13 1902



ACTING CHAIRMAN



POSTAGE



Department of the Interior

Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Returned to
James W. Campbell,
Muskogee, Alabama.
Palma
Editor.

For Identification as a Mississippi Claimant

Date OCT 3 1901

Name James W. Campbell

Age 33

Blood 1/16

Post Office, Aldrich, Ala.

Father: John S. Campbell d

Mother: W. Missouri " S

Claims through mother.

Wife Susan Campbell S
(no claim for wife)

Children:

Lillian E. Campbell 9

Lela G. " 7

Mamie J. " 4

(Claims for himself and
3 children)

Stenographer

A. R. Ritten

Choctaw MCR 3686

Euel Costilo

See MCR 2652

MCR 3686

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. October 7, 1901.

3686

In the matter of the application for identification as Mississippi Choctaws of Huel Costille and his three minor children, Charlie, Robert and Ruthie Costille.

J. E. Arnold attorney representing applicant.

Huel Costille being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Huel Costille.
Q How do you spell it? A H-u-e-l--C-o-s-t-i-l-l-e.
Q What is your age? A I was born in May '57, forty-four years.
Q What is your post-office address? A Ego.
Q What state? A Territory, Choctaw Nation.
Q How long have you lived at Ego? A About four or five years.
Q Where were you born? A In Mississippi.
Q What part of Mississippi? A Winston County.
Q How long did you live there? A Until about seven years ago.
Q Then you came to the Territory? A Yes sir.
Q What is your father's name? A John Costillo.
Q Is your father living or dead? A He is dead.
Q Have any of your relatives appeared before this Commission for identification as Mississippi Choctaws? A Yes Sam who appeared at Atoka.
Q When? A He came the first of January or the first of February.
Q Have you any others who have appeared? A Two or three nephews.
Q What are their names? A R. B. Foster, Prentiss Foster and Jeff Grewson.
Q Do you want the testimony given by these relatives who you have mentioned considered as a part of your case when you application is taken up for consideration? A Yes sir.
Q What is your mother's name? A Her name was Emily Costillo.
Q Is she dead? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A He was about one-fourth I think.
Q I mean you? A I guess that would make me about one-sixteenth.
Q Your father was a fourth? A Yes sir.
Q You would be about one-eighth would you not? A Yes sir one-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I don't know.
Q Are you married? A Yesir.
Q What is your wife's name? A Lou.
Q L-e-u? A Yes sir.
Q Is your wife a white woman or a Choctaw? A She is a white woman.
Q You make any claim for her? A No sir.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes.
Q How many? A Three.
Q What is the name of the eldest? (memorandum containing names of applicants children produced by him which reads:

Charlie Costille,	7
Robert Costille,	6
Ruthie Costillo,	4

- Q You claim for yourself and these three children? A Yes sir.
 Q When and where were you married to your wife Lou? A In Louisville, Mississippi.
 Q When? A In '93 or '92 I think.
 Q You remember the day of the month? A No sir I don't exactly.
 Q Were you married by a minister and under a license? A Yes sir.
 Q Have you your marriage license and certificate with you? A No.
 Q Have you the marriage license and certificate of the marriage of your father and mother? A No sir.

A reasonable time will be allowed this applicant in which to introduce evidence of the marriage of his father and mother, also of his own marriage to his wife Lou.

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No.
 Q Have you ever made application for yourself and your children for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896 to the Dawes Commission? A No sir.
 Q Were you or your children ever admitted to citizenship in the Choctaw Nation, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Did you ever before this time make application for citizenship in the Choctaw Nation for yourself and children to either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
 Q Do you now come before the Commission for the purpose of being identified, yourself and your children, as Mississippi Choctaws under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
 Q Do you understand that article of that treaty? A No sir I do not
 Q You understand what a treaty is? A Well I reckon.
 Q You know what a contract is between people? A Yes sir.
 Q A treaty is the same thing as a contract in writing only it is made between Nations instead of individuals? A Yes sir.

In 1830 on the 27th day of September a treaty was made between the Choctaw Indians and the United States government at a place in Mississippi called Dancing Rabbit Creek. The object of that treaty was to secure the removal of all the Choctaw Indians who lived in Mississippi and a small portion of the State of Alabama from the old Choctaw Nation to the New Choctaw Nation in Indian Territory. Before the treaty was signed it became evident that a great many Choctaws would not come to the New Choctaw Nation in Indian Territory and in order to protect their interests article fourteen was put into the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like

manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in the case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you claim under that, do you? A Yes sir.
- Q You understand that now? A Yes I reckon.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of this article of the treaty? A I don't know.
- Q What was the name of your ancestor who lived in Mississippi in 1830 through whom you claim your Choctaw blood? A My father.
- Q What is his name? A John Costille.
- Q How old was he when he died? A I don't know sir, he died during the War some time between '61 and '65.
- Q Don't you know how old he was? A No sir.
- Q Was he in the Southern Army? A Yes sir.
- Q Give me an idea if you can, was he a man of middle age or was he old? A I guess he would be about 80 years old if he were living now.
- Q Well if he would be that old now he must have been living in 1830 and must have been about ten years of age then? A Yes sir.
- Q Well he would not have been married at that time? A No sir.
- Q But he was born in Mississippi was he? A Yes sir some where in Mississippi.
- Q What was his father's or mother's name, the one that he claimed his Choctaw blood through? A I don't know.
- Q You know which one he claimed his Choctaw blood through, whether father or mother? A No sir.
- Q Do you know how much Choctaw blood he had? A I have always heard old man Sam Haines and old man Jesse Fulser say so.
- Q Where did they live? A In Mississippi.
- Q In the same place where your father lived? A Yes sir.
- Q Is that all you know about your father having Choctaw blood what these men said to you? A Yes sir.
- Q You were too young at the beginning of the War to remember whether your father ever told you anything about that? A No I don't remember.
- Q Did your mother ever say anything about your father having Choctaw blood? A Yes I heard her say so.
- Q Did she say how much he had? A No sir.
- Q But you don't know anything about his father or mother? A No sir he was an orphan.
- Q You don't know when and where he was born? A No sir.
- Q But you know he was born in Mississippi? A Born in Mississippi somewhere.
- Q You don't know the name of your ancestor through whom you claim your Choctaw blood who was a resident in Mississippi in 1830 and the head of a family at that time? A No sir.
- Q Do you know if any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the present Choctaw Nation Indian Territory at the time the greater portion of the Choctaws removed to that Country between the years 1833 and 1838? A I don't know.

- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Col. Ward in Mississippi and tell him that they wanted to stay there and take land? A I don't know.
- Q Did any of your Choctaw ancestors ever receive or claim any land under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any benefits under any other article of the treaty of 1830 or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government required the United States Indian Agent Colonel Ward who lived in Mississippi at that time to make a list of all the Choctaw Indians who went before him within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. This Indian Agent neglected to do his duty in this respect, that he put but a few names of Choctaw claimants who came before him at that time on what was called Ward's register and left off the names of a large number of Indians who did come before him and make declarations in accordance with the provisions of article fourteen. This neglect on the part of the Indian Agent caused a great many complaints among the Indians and Congress in 1837 appointed a Commission. This Commission went to the State of Mississippi and heard a great many Choctaw Indians who claimed rights under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by act of Congress and this Commission also went to the State of Mississippi and heard claimants under this fourteenth article.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commission that of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty? A No sir.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him he should be entitled to select land elsewhere, either in Mississippi, Louisiana, Alabama or Arkansas and this land to be taken from vacant government land. Certificates were to be issued to this effect which were called scrip.

- Q Did any of your Choctaw ancestors receive any of this scrip from the government? A I don't know.
- Q Have you any documentary evidence that you want to introduce now? Only the testimony of the other parties. I have already referred to
- Q Did any of your relatives claim through any other ancestor than John Castillo? A No sir.

A Reasonable time will be allowed this applicant in which to file further documentary evidence if he desires to do so.

- Q Do you speak Choctaw? A No sir.
- Q Is there anything further that you want to say in support of your claim? A No sir.

Muskogee, Indian Territory, January 3, 1902.

E. L. Costello,

Ego, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 28, 1901, in which you ask to be advised concerning some witnesses whose testimony you desire to offer in support of your application. You state that they live in Mississippi and ask if their sworn statements will answer the purpose instead of bringing them in person before the Commission here. You also ask whether you should forward marriage certificates to the Commission.

In reply to your letter you are advised that the Commission is averse to accepting affidavits in support of applications for identification as Mississippi Choctaws, and desires, whenever it is possible, to examine witnesses orally. If your witnesses live in Mississippi, their testimony will be heard at the office of the Commission at Meridian, Mississippi, between January 13 and February 20, 1902, inclusive. It would be well for you to forward the marriage licenses and certificates referred to by you to the Commission to be filed in support of your application for the identification of your self and your minor children as Mississippi Choctaws.

Yours truly,

Miss. Choct. 3686

Muskogee, Indian Territory, March 20, 1902.

E. L. Costilow,

Ego, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifteenth instant, inclosing evidence of marriage of E. L. Costilow and Miss Lou Cagle, and J. H. Costilo and Miss S. M. Wragg, which is offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same has been filed with the record in this case and will receive consideration in the disposition of the application.

Relative to that part of your letter in which you ask the opinion of the Commission as to your right to identification as Mississippi Choctaws, on the proof already submitted, you are advised that no decision has yet been reached nor opinion rendered as to your rights as Mississippi Choctaws, and until your case is taken up for final consideration and determination no opinion can be rendered. As soon as a decision is reached you will be advised of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

Miss. Choctaw H3685

Muskogee, Indian Territory, June 18, 1902

Ruel L. Costlow,

Ego, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 15, in which you state that you have already registered as a Mississippi Choctaw, and wish to know if you cannot have your newly born infant enrolled without bringing it to Muskogee.

In reply to your letter you are advised that in order to make the birth of this child a matter of record, there is inclosed herewith a blank application for the enrollment of infant children. In filling out the same attention should be given to the fact that all blanks are filled out. All names written in full, and that the Notary Public before whom the affidavits are acknowledged affixes his seal and sign to each affidavit. Signatures by mark must be attested by two disinterested witnesses. Upon receipt of the inclosed blank, in proper form, the matter will receive proper consideration.

Very truly,
J. H. H. H.

Miss. Choctaw 3686

Muskogee, Indian Territory, September 27, 1902.

Euel L. Costilow,

Ego, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 26, asking what you shall do with the proofs you have secured in support of your application for the identification of yourself and your minor children as Mississippi Choctaws; also, whether the application you made for your infant child has been received by the Commission.

In reply to your letter you are advised that you will be granted fifteen days from this date within which to submit such additional evidence as you may desire to offer in support of your application.

It does not appear from our records that an application has been made to this Commission for the identification of an infant child born to you since the date of your application. For the purpose of making such application there is inclosed you herewith a blank application for the enrollment of infant children which you should have executed and return to this Commission within the fifteen days granted above.

In having the same executed, be careful to see that all blanks are filled out, all names written in full,

H.L.C.

and that the Notary Public before whom the affidavits are acknowledged affixes his name and seal to each affidavit. Signatures by mark must be attested by two disinterested witnesses.

Respectfully,

Acting Chairman.

B.C.

COPY.

M.C.R. 3686.

Muskogee, Indian Territory October 13, 1902.

Fuel Costillo,

Mgo, Indian Territory.

Dear Sir:-

You are hereby advised that on the 13th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel M. Costiloe, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel M. Costiloe, et al.,	M.C.R. 2652
Arris Foster, et al.,	M.C.R. 1168
Joseph Leonard Costilos, et al.,	M.C.R. 1225
William Prentice Foster,	M.C.R. 1226
Jeff Crowson,	M.C.R. 1327
Fuel Costillo, et al.,	M.C.R. 3686.

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

E. C. -2

Samuel L. Costiloe, Alma Costiloe, Arris Foster, Nora Foster, Joseph Leonard Costiloe, Ethel Costiloe, Birdie Costiloe, Mara Costiloe, Wiggins Costiloe, Rafael Costiloe, Rogers Costiloe, Erval Costiloe, William Prentice Foster, Jeff Crowson, Euel Costiloe, Charlie Costillo, Robert Costillo and Ruthie Costillo as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(S)

W. D. CROWSON.

Registered.

Commissioner in charge.

M.C.R. 3686.

Muskogee, Indian Territory, January 8, 1903.

Buel Costilo,

Ego, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel M. Costilee, et al., of which decision you were advised by registered mail on October 13, 1902.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 2, 1903.

Euel Costilow,
Ego, Indian Territory.

Dear Sir:

There is returned to you herewith the affidavits of the mother and midwife relative to the birth of your infant child, Guy Costilow, born March 23, 1902, in the matter of the application for the identification of this child as a Mississippi Choctaw. Said affidavits are returned for the reason that on December 27, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. On January 8, 1903, you were notified of such departmental action.

Very truly,
Respectfully,

Acting Chairman.

No. 3686

For Identification as a Mississippi Choctaw.

OCT -7 1901

Date

Name Eucl Costilow

Age 44 - Blood ~~7/8~~ 1/8

Post Office, Ego, I. T. -

Father: John Costilow, d

Mother: Emily COSTILLO, d

(Claims through father
wife, Lou Costilow, -w.

No claim for wife -

Children:

Charlie Costilow)

Robert " 6

Ruthie " 4

claim for each
& children

Stenographer

L. Rasmussen

Choctaw MOR 3687

• James W. Harrison

MOR 3687

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

3687

In the matter of the application of James W. Harrison for identification as a Mississippi Choctaw.

Note:

On page 137 Vol.VII, American State Papers, in listing claimants allowed under the treaty in Greenwood Leflore's District, appears the name of Mary Harrison who had forty acres of land in cultivation and was allowed four hundred and eighty acres of land which land was relinquished on November 24.

On page 108 Vol.VII, American State Papers, list Number 3, shows the name of Mary Harrison as having forty acres of land in cultivation; entire number of the family 4, males over sixteen, 3, and 4 slaves and total number of acres four hundred and eighty.

The context of these pages of the American State Papers, Volume VII, would seem to show that this claim was allowed under the nineteenth article of the treaty instead of the fourteenth.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of James W. Harrison,
for identification as a Mississippi Choctaw, M.C.R. 3687.

List of papers forwarded to the Secretary of the Interior
embracing the record in the case of James Harrison.

	(Page)
Original application of James W. Harrison for identification as a Mississippi Choctaw.....	1
Reference to name of Mary Harrison Appearing on page 137, Volume seven, American State papers, public lands.....	9
Ex parte affidavit of Jiney Harrison.....	10
Ex parte affidavit of Elijah Gilbert.....	11
Certificate of J.L. Happelee, Notary Public to the effect that he had found the name of Mary Harrison on page 137 Volume seven of the American State papers, public lands.....	12
Ex parte affidavit of Susan Ward.....	13
Ex parte affidavit of Sarah Kiser.....	14
Decision of the Commission denying the application of James W. Harrison, for identification as a Mississippi Choctaw	15.

---O---

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOCA, I.T. October 7, 1901.

3687

In the matter of the application of James W. Harrison for identification as a Mississippi Choctaw.

No attorney for applicant.

James W. Harrison being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James W. Harrison.
Q What is your age? A About fifty five or fifty six; I don't know exactly.
Q What is your post office address? A Fulsom, Indian Territory.
Q How long have you lived at Fulsom? A Well, I have been- this Fall it will be two years.
Q Where were you before you lived at Fulsom? A At Wiley.
Q Indian Territory? A Yes sir.
Q How long were you there? A Two years.
Q In Fulsom in the Choctaw Nation? A Yes sir.
Q In Wiley? A Yes sir.
Q Where before that? A In Texas two years.
Q Where before that? A Well, sir, some says I was raised up an orphan boy and lived round from place to place. In Denton County.
Q What State? A Texas.
Q Where were you born? A In the Choctaw Nation?
Q Indian Territory? A Yes sir.
Q What year? A I can't tell you.
Q How long did you live in the Choctaw Nation, Indian Territory?
A I have been living here twelve years.
Q I mean when you were born? A I was stole and carried away when I was small; two years about.
Q Where did you go to? A Dallas County.
Q What State? A Texas.
Q And you lived in Texas till you came back to the Territory?
A Yes sir.
Q You never lived in any other State but Texas? A No sir.
Q You were born in this Indian Territory and at two years were taken to Texas and lived there and in different places in the Territory until you came here? A Yes, I have been here about four years since I came to the Territory the last time.

Q Then you came to the Territory and have lived here ever since?
A Yes sir.
Q What is your father's name? A William Harrison.
Q Is he living or dead? A Dead.
Q What is your mother's name? A Hulda Harrison.
Q Is she living or dead? A She is dead.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I claim a quarter.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
Q Is he on the rolls of the Choctaw Nation in the Indian Territory?
A Yes sir. I don't know whether here or in--
Q When and where was he enrolled? A I don't say I am on any-- he was enrolled when he first come to this country.
Q You say you don't know whether it was here or in Mississippi?
A I don't know; I can't say.
Q He couldn't be enrolled in Mississippi; I asked you if he was on the rolls of the Choctaw Nation in the Indian Territory, not the Choctaw rolls in Mississippi? A Well, he was enrolled on the rolls in the Indian Territory I have been told by older people;-- said he enrolled when he came here.
Q When did he come here? A Well, sir, you are too hard for me; I can't tell you; with the first Indians.
Q Did you ever see that his name was on the rolls or make enquiry of the Choctaw tribal authorities? A Yes, I found his name on the rolls.
Q Who showed them to you? A I went to Gaddo here and got an agent to see that his name was there.
Q Well, then, he was, according to your statement a regularly authorized member of the Choctaw tribe of Indians? A Yes sir.
Q How is it that your name is not on the rolls? A Well, I have had no education, no schooling anyway to get on the rolls.
Q Has any other member of your family been enrolled? A My sister is on the roll.
Q When and where was she enrolled? A At Colbert.
Q Did she appear before the Commission? A Yes sir.
Q Before the Dawes Commission? A Yes sir there at Colbert.
Q What year was that? A I can't tell you.
Q Was it two or three years ago or when? A About two years ago I reckon.
Q She appeared before the Commission to the Five Civilized Tribes?
A Yes sir.
Q And you say that her name is on the Choctaw tribal rolls?
A Yes sir.
Q Because she appeared before the Commission at that time? A Yes they enrolled her there.
Q How do you know that? A I don't know; I have been told.
Q Do you know that your father was enrolled with as much certainty as that your sister was enrolled; is your information the same in one case as the other? Your sister couldn't be enrolled-- her case has not been passed on; she is only an applicant for identification; is that what you mean to say? A Well, she sent her application for citizenship through the United States Court.
Q Then she did appear before the Commission first? A No sir.
Q How is it that she went to the Court first; explain what you mean. A Well, in getting up citizenship here they sent their

citizenship in toWashington through the United States Court for citizenship in the here of the Choctaw Nation.

Q What do you mean by her going before the Commission at Colbert?

A Well, she never went before the Commission till she got this in there.

Q How was it she got into the United States Court; do you mean that she was refused by the Commission? A No sir.

Q Did the Commission admit her at Colbert? A No sir; that's what they told me.

Q How did she get into the Court then of the United States; are you not mixed up on that? A I don't know; I can't tell you.

Q You don't really know anything about that, do you? A No sir, to tell you the truth about it I don't know how they did get in.

Q Isn't it the truth, then, that you don't really know about your father's--? A Well, I don't know whether he was enrolled or not, but his name, William Harris' name, is on the books.

Q Well, your name is not on, is it? A No sir, I don't claim my name was put on.

Q Are you married? A Yes sir.

Q What is your wife's name? A Nancy Harrison.

Q Is she an Indian or a white woman? A White woman.

Q Are you making any claim for her? A No sir.

Q Have you any children you want to make application for? A No sir.

Q You claim for yourself alone? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A No sir.

Q Did you ever make application to the Commission to the Five Civilized tribes for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A No sir.

Q Were you ever admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized tribes or by United States Court in Indian Territory?

A No sir.

Q Did you ever before this time make application to the Choctaw tribal authorities or the United States authorities for citizenship as a Choctaw Indian? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I don't know whether I do or not.

Q Do you understand what a treaty is? A No sir.

Q Do you know what a contract or agreement is? A Yes sir.

Q Sometimes a contract or agreement in writing is made between persons, two or more people- you have probably made them? A Yes.

Q Well, a treaty or compact is an agreement in writing made between two or more Nations instead of two or more people. In 1830 the treaty of Dancing Rabbit Creek was made between the Choctaw Indians in Mississippi and Alabama, that is the old Choctaw Nation, partly in these two States, and the United States Government. The object of that treaty was the removal of all the Choctaw Indians who lived in the old Choctaw Nation to the new Choctaw Nation, in Indian Territory. Before that treaty was signed it became evident that a great many Choctaw Indians wouldn't go to the new Choctaw Nation in the Indian Territory and in order to protect their in-

terests article fourteen was put into the treaty; (an article in a treaty is one of the parts or subdivisions of it.) Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that all right? A Yes sir.

Q Do you claim under that? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply in any way with the provisions of article fourteen of the treaty of 1830? A No sir.

Q You never heard they did? A No sir.

Q What was the name of your Choctaw ancestor that lived in Mississippi in 1830? A Mary Harrison.

Q Is that your father's mother? A That's my grandmother.

Q You claim through your father, William Harrison? A Yes sir.

Q He claimed through which parent? A His mother.

Q What was her name? A Mary Harrison.

Q Is this the Mary Harrison you are now claiming through? A Yes.

Q That's your father's mother, then? A Yes sir.

Q Did she live in Mississippi in 1830? A Yes sir.

Q Did she have a family of children at that time- seventy years ago? A She did; three, I think.

Q Was your father living in 1830? A I can't tell you whether he was or not.

Q When did he die? A In '53.

Q How old was he when he died? A I can't say; about a middle aged man I suppose.

Q What is your best recollection? A I don't remember seeing my father at all.

Q If he died in 1853 and was born in 1830 he would be twenty three years old when he died; have you any idea how much older than that he was? A I don't know; I don't remember of seeing him.

Q Did he have any brothers and sisters? A He had two older I think.

Q And they were living in Mississippi in 1830? A I think so.

Q Do you know whether your grandmother, Mary Harrison, owned any improvements on land in Mississippi in 1830? A If she did I don't know. I think she did.

Q What makes you think so? Answer what you know; if you have heard anything in the family as a matter of family history, you can say so. A I have heard.

Q Did she buy that land? A I can't tell you.

Q Did you hear in the family that they had outbuildings, houses on it? A I don't know.

Q You don't know whether she had it from the Government or whether she took it? A No sir; I can't tell you.

Q Was she or were any of your Choctaw ancestors members of the Choctaw tribe of Indians in 1830? A I suppose my grandmother did.

Q You suppose? A My grandmother claimed.

Q Did you know your grandmother? A No sir.

Q How do you know she claimed anything? A Older persons who came from Mississippi with my father knew her back there.

Q What do you know about your father having been of the Choctaw Indians recognized as such in 1830? A I don't know only what I have been told.

Q Who told you any such thing? A Well, uncle Dixon Durant.

Q He is your uncle? A I call him uncle.

Q He is not any relation? A No sir.

Q Where did he come from? A Mississippi.

Q What part of Mississippi? A I can't tell you.

Q He said what? A He said he knew my father's people back there.

Q Did he know your grandmother, Mary Harrison? A I won't say whether or not.

Q Well, then, he knows nothing about her being a recognized member of the Choctaw tribe of Indians in 1830? A No; I say he tells me he knows her.

Q I asked you if he did and you said he didn't. A I said I didn't know her.

Q Well, what did he tell you about her? A He told me he knew my father and came from Mississippi with him here.

Q Is that all? A Yes, that's about all; he didn't tell me that he knew my father's mother.

Q Did you from anybody else or from any other source hear that that your grandmother Mary Harrison was a recognized member of the Choctaw tribe in 1830? A No sir.

Q Did she within six months after the ratification of the treaty of 1830, or any other of your ancestors if Choctaw Indians tell the United States Indian Agent, Col. Ward, that they intended to live in Mississippi, take land there and become citizens of the United States? A No sir.

Q Did she or any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory between 1833 to 1838 with the other Indians? A None but my father as I have any recollection.

Q When did your father come to the Choctaw Nation? A I have been told that he came here along with the other, the first that came here.

Q When was that? A I can't tell you.

Q Do you know when that treaty of Dancing Rabbit Creek was made?

Q No sir, I don't.

Q That was made in 1830; do you know when after that your father came to the Territory? A No sir, I don't.

Q Did he come with the other Indians? A Yes sir.

Q How many did he come with, do you know? A I don't. Old Uncle Dick Durant said he came with him, and this old dicky up here, Sam Ferris says he came with him.

Q Well, I asked you if you knew when he came with them? haven't you any statement from these parties? A No sir, I went to see him but he was gone.

Q Do you think, if you are allowed time, you could get the time your father came? A Yes sir.

Q Reasonable time will be allowed to get the testimony of any people who know anything about your Choctaw ancestors whether they complied with article fourteen, whether any of your ancestors came to the Territory between 1833 to 1838 or when they came; also marriage license and certificate of your father's and mother's marriage or any other documentay evidence you want to introduce.

Q Have you any now you want to introduce? A Yes sir.

The affidavit of Jinoy Harris offered in evidence by applicant, received, filed, marked Exhibit "A", and made a part of the record in this case; affidavit of Elisa Colbert,, offered by applicant, received, filed, marked Exhibit "B", and made a part of the record in this case; the sworn statement of J.L. Rappelee, Notary Public in and for the Central District, Indian Territory, presented by applicant, received, filed and marked Exhibit "C", and made a part of the record in this case-- wherein he states that he has examined Vol.VII American State Papers, and finds on P.108 of said Volume the name of Mary Harrison and that she had forty acres of land in cultivation; entire number of family four, and three males over sixteen years of age and owns four slaves and drew four hundred and eighty acres of land: and on P.137 of said Volume he finds the name of Mary Harrison among those who agreed to take land under article fourteen of the treaty of 1830 and relinquished November 24, 1831, and registered at the Agency September 7, 1831 by F.W. Armstrong, Special Agent.

The records in the posse ssion of the Commission do not show the name of Mary Harrison on any of the rolls of the Choctaw Nation made out in Mississippi. This statement made in this certificate of J.L.Rappelee, Notary Public, will be investigated by the Commission before the application is finally passed on by the Commission.

Q What is the man's name who told you he saw your father's name on the roll or book? A Henry Byington.

Q Where does he live? A At Caddo.

Q Have you any statement of his to that effect? A No sir.

Q Why haven't you produced him here as a witness? That is an important point. Do you think you can get him here or get his affidavit or deposition? A Yes sir.

Q A reasonable time will be allowed you in which to produce evidence from all sources to show any compliance on the part of your ancestors with the provisions of the fourteenth article of the treaty of 1830.

Q Then you claim that your grandmother, Mary Harrison did receive land from the United States Government under article fourteen of the treaty of 1830, do you? A Well, I don't know that she did; I have been told she did.

Q Well, you introduce this statement by J.L.Rappelee, Notary Public attempting to prove that point? A Yes sir.

Q Do you know if your grandmother, Mary Harrison or any of your Choctaw ancestors received any other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir I don't.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government instructed the agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of this Government show that he failed to register the names of many Choctaws who did signify their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830. For this reason the lands on which the Indians had improvements and which they desired reserved for them were sold by the Government at its Public Land Sale and the Choctaw Indians were deprived of their land. This caused many complaints and it was brought to the notice of Congress and Congress in 1837 appointed a Commission whose duty it should be to go to Mississippi and hear evidence in cases where Choctaws claimed they had complied with the provisions of article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Act of Congress for the same purpose. These two Commissions made a list of all the Indians whose claims were proved under article fourteen.

Q Do you know if any of your Choctaw ancestors appeared before the Commission of 1837 or that of 1842 and claimed rights under article fourteen? A No sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the Treaty of Dancing Rabbit Creek but that his land had been sold by the Government that he should be entitled to select land elsewhere in the States of Alabama, Arkansas, Louisiana or Mississippi, to be taken from vacant public Government Land and that a certificate should be given to him; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the Government under that Act of Congress? A Not that I know of.

Q Do you speak the Choctaw language? A No sir, I was raised up among the whites.

Q Is there anything further you want to say now in support of this claim? A No sir.

Q Do you know of any relatives who have appeared before the Commission before this time to be identified as Mississippi Choctaws?

A Nothing but a sister.

Q What was her name? A Sarah Elizabeth Kiser.

Q When did she come before the Commission? A I don't know when; here at Colbert; I was in Texas at the time; I went with my wife down in Texas to see her child.

Q Do you want the evidence given by her in her case to be considered as a part of your application? A Yes sir.

Q Have you anything more you want to say now in support of this application? A No sir.
Q You claim through your father, William Harrison? A Yes sir.
Q When did he die? A In 1855.
Q You don't know how old he was? A No sir.
Q You don't know when or where Mary Harrison died? A No sir.
Q Or know how old she was? A No sir.

This applicant has the physical appearance of a white man; dark eyes, gray hair and whiskers; hair formerly black. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 7, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 28 day of October, 1901.

Clara Mitchell

Notary Public.

D. W. L.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

6-11-1887

In the matter of the application of James W. Harrison,
for identification as a Mississippi Choctaw, M C R 3687.

---: D E C I S I O N :---

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by James W. Harrison for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that the said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September, twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of one Mary Harrison, who is alleged to have been a

Chester Indian (degree of blood not given), and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Cheateau tribal authorities as a member of the Cheateau tribe, or admitted to Cheateau citizenship by a duly constituted court or committee of the Cheateau Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1894 (28 Stat., 581).

It is found that the name of one Mary Harrison appears upon page 148, Volume 7, American State Papers, Public Lands, in a list of names of Cheateau Indians who resided in Greenwood Leflore's district, in the territory occupied by the Cheateau Indians in the states of Mississippi and Alabama, at the date of the making of the treaty of "Hunting Rabbit Creek," and had land in cultivation, in accordance with the provisions of the nineteenth article of the treaty. The name of one Mary Harrison is again found on page 227, Volume 7, American State Papers, Public Lands, in a list entitled "A list of claims allowed under the Treaty, in Greenwood Leflore's district." The record there referred to is in no way related to, or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of the four-

teenth article of the treaty of "Hanging Rabbit Creek".

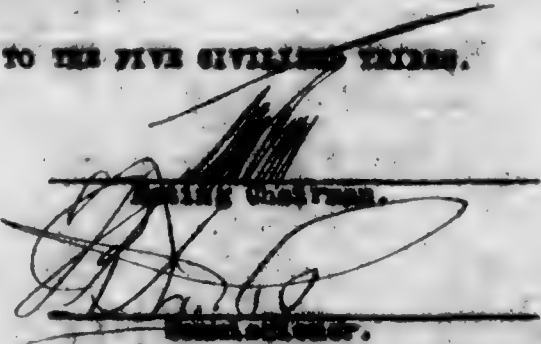

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Harrison, or a less remote ancestor, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheotaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder, to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1827 (9 Stats., 180), and August 23, 1842 (5 Stats., 812).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James V. Harrison as a Cheotaw Indian entitled to rights in the Cheotaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mustoge, Indian Territory,

SEP 3 1902


Acting Chairman.

Commissioner.

Montegee, Indian Territory, October 26, 1904.

James E. Harrison,

Wilson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing the affidavit of Sarah E. Keiser and Susan Ward to be filed in support of your application for identification as a Mississippi Choctaw.

The same has this day been duly filed and will receive the consideration of the Commission in the disposition of your claim for identification as a Mississippi Choctaw.

Yours truly,

Arthur Johnston,

MS 7-367

COPY

Muskogee, Indian Territory, September 3, 1902.

James W. Harrison,

Fulson, Indian Territory.

Dear Sir:-

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James W. Harrison, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision is as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James W. Harrison as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this day, forwarded the record in this case to the Secretary of the

J. V. E., Jr.

interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

W. J. E.

Tame Dixby.
Acting Chairman.

Registered.

COPY.

M.C.R.3687.

COPY.

Muskogee, Indian Territory, September 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James W. Harrison, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of September 3, 1902.

The Commission has the honor to report that the applicant and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Faine Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 Enclosure.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James W. Harrison, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision is as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James W. Harrison as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this day, forwarded the record in this case to the Secretary of the

M., 188 & C., 3.

interior for review, and you will be informed in due time of such
action as may be taken by him.

Yours truly,

Tame Dixby.
Acting Chairman.

D.C. 9218-1903
ITD. 2718-1903
LRS.

(Copy)

RAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 30, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

September 3, 1902, you transmitted the record in the matter of the application for identification of James W. Harrison as a Mississippi Choctaw, including your decision of September 3, 1902, adverse to the applicant.

He claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendant of one Mary Harrison, alleged to have been a Choctaw Indian residing in Mississippi in 1830.

The records fail to show that applicant was ever admitted or enrolled as citizen of the Choctaw Nation, or that said Mary Harrison complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 11, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

Having carefully considered the whole record, the Department finds no reason to disturb your decision, and it is accordingly affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure

Land
55824-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaw of James W. Harrison, wherein a decision adverse to the applicant was rendered by the Commission on September 3, 1902.

It appears from an examination of the evidence in this case, that the applicant claims identification by reason of his descent from one Mary Harrison, now, it is alleged, was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission makes its decision rejecting this applicant for the reason that its records do not show that Mary Harrison ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this Office in connection with this application and it is found that there was a Mary Harrison, head of a family, who was transported west by the government in the first Choctaw emigration, who had three males

-2-

in her family between 10 and 25 years of age, and one female over 25 years of age; but it does not appear that a Mary Harrison complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is therefore recommended that the decision of the Commission rejecting this applicant be approved.

Very respectfully,

Commissioner.

E.B.H. H.T.

3 enclosures.

W.C.R. 3657.

COPY.

Waskagee, Indian Territory, April 8, 1903.

James W. Harrison,

Fulson, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Cheateau, of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

Tamie Bixby.
Chairman.

N.O.R. 3687.

COPY.

Waskagee, Indian Territory, April 8, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of James W. Harrison, of which decision you were advised by mail on the 3rd day of September, 1903.

Respectfully,

(SIGNED)

Tamr Bixby.
Chairman.

Muskogee, Indian Territory, February 8, 1904.

James W. Harrison,

Ego, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 21, 1904, stating that you do not see how the Commission can refuse your application for identification as a Mississippi Choctaw, when your ancestor, Mary Harrison, agreed to take land under the 14th article of the treaty of 1830.

In reply you are informed that on page 108, Volume VII, American State Papers, the name of Mary Harrison appears in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the Territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of Dancing Rabbit Creek and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the 19th article of said treaty.

The record above referred to in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, concluded September 27, 1830.

J W H 2

Therefore you would not be entitled to rights as a 14th article claimant by reason of your descent from said Mary Harrison, as it appears from the records above cited that Mary Harrison was a claimant under the 19th article and not the 14th article.

Respectfully,

Commissioner in Charge.

M C R 3687

Muskogee, Indian Territory, February 20, 1904.

James W. Harrison,

Muske, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you state that you can prove by three Indian witnesses that you are an Indian and ask to be advised relative to submitting such proof.

As previously advised, the decision of the Commission refusing your application for identification as a Mississippi Choctaw was approved by the Secretary of the Interior on March 30, 1903, of which departmental action you were notified on April 8, 1903. The Commission now considers your case closed and is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

NOTIFICATION IS A MISSISSIPPI CHIT

Date

OCT -7 1901

Name James W. Harrison

Age 55 - Blood 1/4

Post Office, Fulson, D. T.

Father: William Harrison, D

Mother: Hulda " D

Claims through father
- wife, Nancy " , W.
No claim for wife -

~~Signature~~

claims for self
alone -

Stenographer

H. G. [Signature]

Y.

Choctaw MCR 3688

Elliott Kendrick

See MCR 3689

MCR 3688

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WASH., D.C. October 7, 1904

2000

In the matter of the application of Elliot Kendrick for the identification of himself and his minor child as Mississippi Choctaws.

Be attorney for Applicant.

Elliot Kendrick being first duly sworn testified as follows:

Commission to the Five Civilized Tribes:

Examination by the Commission:

- Q What is your name? A Elliot Kendrick, E-l-l-i-o-t K-e-n-d-r-i-c-k.
- Q What is your age? A Nineteen.
- Q What is your post office address? A Blue.
- Q Indian Territory? A Yes sir.
- Q How long have you lived in Blue, Indian Territory? A I came here last December.
- Q Where did you come from? A Texas.
- Q Where in Texas did you live? A Bowie County.
- Q How long did you live in Bowie County? A Six years.
- Q Where did you live before that? A In Mississippi.
- Q What part of Mississippi? A Leake County.
- Q Were you born in Leake County? A Yes sir.
- Q And lived there till you moved to Texas? A Yes sir.
- Q What is your father's name? A Frank Kendrick.
- Q Is he living? A Yes sir.
- Q Has he ever made application before the Commission? A No sir.
- Q Have any of your relatives? A Not that I know of.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Elizabeth.
- Q Through which parent do you claim your Choctaw blood? A In my mother's side.
- Q How much Choctaw blood do you claim? A About as much as I reckon my grandmother's a half.
- (After examination applicant is recalled, and shall be sworn and sworn to.)
- Q Has your mother ever been recognized by any one as Choctaw as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.

Q What is your wife's name? A Bula Kendrick.
 Q Is she a Choctaw or white woman? A White woman.
 Q Do you make any claim for her? A No sir.
 Q Have you any children you want to make application for? A Only one.
 Q What is the name of that child? A Hester.
 Q H-e-s-t-e-r? A Yes sir.
 Q How old is she? A She will be one month old tomorrow.
 Q Is Bula Kendrick the mother of this child? A Yes sir.
 Q You are the father? A Yes sir.
 Q When and where were you married to your wife, Bula? A At Clarksville, Texas.
 Q When? A The 4th day of last October was a year ago.
 Q Have you your marriage license and certificate? A No sir.
 Q Were you married by ordained minister under a license? A Yes sir.
 Q Do you know when and where your father and mother were married? A No sir.

Reasonable time will be allowed this applicant in which to introduce evidence in support of the fact of the legal marriage of his father and mother; and also of his own marriage to his wife, Bula---Knight, is it? A Yes sir.

Q You claim then for yourself and child? A Yes sir.
 Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under act of Congress of June 10, 1896? A No sir.
 Q Were you admitted ever to citizenship by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory? A No sir.
 Q You now come before the Commission in order that you and your child may be identified as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of that treaty? A I don't know whether I do or not.
 Q Do you know what a treaty is? A No sir.
 Q Do you know what a contract or agreement in writing is? A No sir.
 Q Did you ever hear of a contract being made between two or more men? A Yes, I have heard tell of it.
 Q You never made one? A No sir.
 Q Well, if you agree to work for a man and he agrees to give you so much money for your work that's an agreement. When you put your names to paper it is a contract in writing, and the difference between a contract or agreement in writing between individuals and between Nations is that when that agreement in writing is between Nations it is called a treaty.

In 1830 the United States Government made such a treaty with the Choctaw Indians in Mississippi at a place called Dancing Rabbit Creek in the State of Mississippi. The object of the treaty was to get all the Choctaw Indians to go from the old Choctaw nation, partly in Mississippi and partly in the State of Alabama, to the Choctaw nation in the Indian Territory; before the treaty was signed it became evident that all the Choctaw Indians wouldn't go to the Territory so article fourteen was put into the treaty of 1830. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the present improvement of the land and the family shall retain all the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article that has been read to you? A I don't know.
- Q What was the name of your ancestor who lived in Mississippi in 1830? A Why, my grandmother lived there.
- Q You claim through your mother? A Yes sir.
- Q And she claimed through her mother? A Yes sir.
- Q What was her mother's name? A Polly.
- Q Did they always call her Polly? A Yes sir.
- Q How much Choctaw blood did Polly have? A She is my mother's mother; she is my mother- grandmother; that would throw her to be a half I reckon.
- Q Polly what? A Dawson.
- Q Your mother then had a quarter? A Yes sir.
- Q Did she have an Indian name? A My grandmother?
- Q Yes; Polly Dawson? A I don't know.
- Q Did she speak the Choctaw language? A No sir. I don't think she did; I don't know.
- Q Was she living in Mississippi in 1830? A Yes sir.
- Q How old is your mother? A Sixty two.
- Q Where was she born? A In Mississippi.
- Q What place in Mississippi? A Monroe County.
- Q She was born eight years after the treaty of 1830 was ratified? A Yes sir.
- Q Did she have any older brothers and sisters? A I don't know.
- Q How old was her mother when your mother was born? A She was 16 Polly Dawson was.
- Q Then she would have been about twenty five in 1830? A Yes sir.
- Q And she was married at that time was she? A Yes sir.
- Q And had a family in Mississippi? A Yes sir.

- Q How do you know that? A I have heard my mother say so.
- Q Have you any documentary evidence in the family any records of any kind in the family? A Not that I know of.
- Q -to prove that she was a Choctaw Indian? A I have heard one of my great aunts had a right proved up.
- Q What was her name? A Jane Webb.
- Q In what way were her rights proved? A I don't know.
- Q Did she go before the Choctaw Council in the Indian Territory or before the Dawes Commission either in the Territory or Meridian or any other place in Mississippi? A I don't know if she did.
- Q Was your grandmother, Polly Dawson, a recognized member of the Choctaw tribe of Indians in 1830? A I don't know.
- Q Did she own any improvements on land in Mississippi in 1830? A I don't know.
- Q Did she or any of your ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.
- Q Did she or any other of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent that she intended to stay in Mississippi, take land there? A Not as I know of.
- Q Did she or any of your Choctaw ancestors ever claim or receive any land in Mississippi from the United States Government as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did she or any of your Choctaw ancestors claim any land in Mississippi or Alabama or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the United States Government required the Indian agent who lived in Mississippi at that time, whose name was Col. Ward, to make a list of all the Choctaw Indians, who appeared before him within six months after the ratification of the treaty of 1830 and declared their intention to stay in Mississippi and take land there; and to record their names on his register. Col. Ward neglected to report the names of a great many Choctaw Indians who did appear before him within that time as provided by that article fourteen of the treaty of 1830. The result of his neglect caused a great many Choctaw Indians who lived in Mississippi and had land there to lose their land- the Government took it away and sold it at its Public Land Sale; this caused a great many complaints in Mississippi and as a result of these complaints Congress appointed a Commission in 1837; this appointment was ratified March 3, 1837; and this Commission went to the State of Mississippi and heard a great many Choctaw claimants and put their names on lists as having rights under article fourteen. In 1842 another Commission was appointed by Congress which appointment was ratified August 23, 1842 to be similar to the Commission appointed in 1837. They made lists also of names of Choctaw claimants whose claims were proved.

- Q Do you know if any of your ancestors appeared before either of these Commissions and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

3

The Act of Congress of August 22, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select land elsewhere in the States of Alabama, Arkansas, Mississippi and Louisiana, to be taken from vacant Government land and that certificates to that effect should be given to him; these certificates were called scrip.

Q Do you know if any of your Choctaw ancestors ever received any such scrip as Choctaw Indians from the Government? A I don't know.

Q Have you any relatives or kin people who have appeared before the Commission for the purpose of being identified as Mississippi Choctaws? A No; I have heard that aunt, Elizabeth Webb was before them.

Q Do you know when and where she appeared? A Well, she, to the best of my knowledge, to the Choctaw Nation; I have been told she did.

Q Before the Dawes Commission? A Yes sir.

Q How long ago? A About two years ago I think it was.

Q Do you know where? A No sir; I did know but I have forgotten where it was; or whoever it was telling me.

The name of Elizabeth Webb does not appear upon any of the records of the Commission as an applicant for identification as a Mississippi Choctaw.

Q Is there anything further you want to say about your claim that you can think of? A Nothing more than I would like to have it if the Secretary would give it to me.

Reasonable time will be allowed this applicant in which to introduce documentary evidence in support of his claim; as a Mississippi Choctaw; also the claim he makes for his child.

Q You don't speak Choctaw? A No sir.

Applicant has the appearance and physical characteristics of being descended from mixed ancestry composed of white and Indian blood; he says he has an eighth Choctaw blood; he is very dark, black eyes and black straight hair; has general appearance of having Indian blood; he does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Haine being duly sworn on his oath states that as stone-

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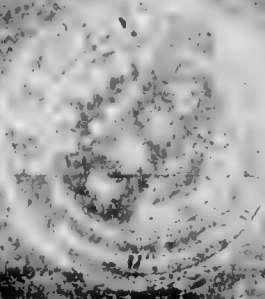
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at the City of New York, this 14th day of October, 1901.

J. Henry G. Hains

Subscribed and sworn to before me this 14th day of October, 1901.

Clara Mitchell Vorn

Notary Public,



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COPY.

M C R 3688

Muskogee, Indian Territory, July 26, 1902.

Elliot Kendrick,

Blue, Indian Territory.

Dear Sir:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Georgia Pickett, et al., embracing the following applications for identification as Mississippi Choctaws:

Georgia Pickett, et al.,
Elliot Kendrick, et al.,
Etta Dawson, et al.,

M C R 3689
" 3688
" 3691

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Elliet Kendrick-2

Georgia Puckett, John Pluster Puckett, Louie Puckett, Mary L. Puckett, Elliot Kendrick, Hester Kendrick, Etta Dawson, Lonnie Dawson and Roy Dawson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered*.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M.O.R. 5688.

DOFFY.

Muskogee, Indian Territory, September 5, 1902.

Elliot Kendrick,

Blue, Indian Territory.

Dear Sir:-

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Georgia Puckett, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Yours truly,

(SIGNED)

John D. Smith
Acting Chairman.

M U R 3688

Muskegee, Indian Territory, July 24, 1906.

Elliott Kendrick,

Bokchito, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, requesting to be advised of the necessary steps to take to secure the enrollment of your child, Hester Kendrick, as a Mississippi Choctaw.

In reply you are advised that it does not appear that your child, Hester Kendrick, has any rights whatsoever to identification as a Mississippi Choctaw.

Application was made for her identification, October 7, 1901, and the same was refused by the Commission to the Five Civilized Tribes in a decision dated July 26, 1904. This decision was affirmed by the Secretary of the Interior August 26, 1902.

At present no further steps can be taken relative to the identification of said child as a Mississippi Choctaw.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date OCT - 1901

Name Elliot Kendrick,

Age 19 Blood $\frac{1}{8}$

Post Office, Blue, I. T.,

Father: Frank Kendrick, l

Mother: Elizabeth " l

Claims through mother
wife - Bela Kendrick, w.

No claim for wife.

~~DECEASED~~

Hester Kendrick, 1. m. ~~DECEASED~~

Claims for self &
child -

Stenographer H. G. Harris,

Choctaw MCR 3689

Georgia Puckett

See MCR 3688, 3801

MCR 3689

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOCA, I.T. October 7, 1901.

3489

In the matter of the application of Georgia Puckett for the identification of herself and her three minor children as Mississippi Choctaws.

No attorney for applicant.

Georgia Puckett being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Georgia Puckett; G-e-o-r-g-i-a P-u-c-k-e-t-
- Q What is your age? A Thirty three.
- Q You are a sister of Elliot Kendrick? A Yes sir.
- Q What is your post office address? A Bokchito, Indian Territory.
- Q How long have you lived at Bokchito? A About seven or eight weeks.
- Q Where did you live before that? A In Texas.
- Q Where did you live before that? A In Mississippi.
- Q What place in Mississippi? A Monroe County.
- Q How long did you live in Mississippi? A I lived there twenty three years.
- Q And then from there you went where? A Texas.
- Q And you have lived in Texas since? A Yes sir.
- Q You have come to Bokchito, Indian Territory? A Yes sir.
- Q You lived there how many months? A About- just nine weeks.
- I have been in the Territory before but I never stayed there long just backwards and forwards.
- Q Before this last time you came to the Territory how long did you live in Texas continuously at one time? A Seven years.
- Q At one time? A Yes in Texas.
- Q Then you came here? A Yes; stayed a while and went back.
- Q How long did you stay there the last time you went there? A Two years.
- Q What is your father's name? A Frank Kendrick.
- Q He is living? A Yes sir.
- Q What is your mother's name? A Elizabeth Kendrick.
- Q She is living? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A An eighth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States in the Indian Territory?
- A No sir, not as I know of.; I don't think she was.

- Q Are you married? A Yes sir.
- Q What is your husband's name? A Richard Puckett.
- Q Is he an Indian or white man? A White man.
- Q Make no claim for him? A No sir.
- Q Have you any children you want to make application for? A Yes, I have three children.
- Q What is the name of the eldest? A Pluss Puckett; P-l-u-s-s.
- Q Is that the whole name or just a short name? A No sir; that's only short; his full name is John Pluster.
- Q How old is he? A He is eight years old.
- Q Next? A Louis; L-o-u-i-s.
- Q Is it a boy? A Yes sir.
- Q How old is Louis? A He is four years old.
- Q Next? A Mary L. Puckett.
- Q How old is Mary? A She is two years old.
- Q Is Richard Puckett the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q When and where were you married to your husband, Richard?
- A I was married to him in Mississippi, in Leak County.
- Q When? A In 1892.
- Q What day of the month? A The 17th day of January.
- Q By a minister and under a license? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not as I know of.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities?
- A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under Act of Congress of June 10, 1896? That's five years ago? A No sir.
- Q Were you ever admitted to citizenship with your children in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or United States Court in Indian Territory? A No sir.
- Q Did you ever before this time to seek to be made a member of the Choctaw tribe of Indians? A No sir.
- Q - or try to get your children members by making application to the Choctaw tribal authorities or the United States authorities?
- A No sir only that we wrote through Rappolee.
- Q Was anything done? A No sir, nothing at all; we just talked of it.
- Q Do you now seek- now come before the Commission to identify yourself and children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of the treaty of 1830? A No sir, I don't know as I do.

The treaty of 1830 was made between the Choctaw tribe of Indians who lived in part of the State of Mississippi and a small portion along the Western boundary line of the State of Alabama, and the United States Government in the year 1830 at a place called Dancing Rabbit Creek in Mississippi. The object of the Treaty was the removal of all the Choctaw Indians who lived in the old Choctaw Na-

tion in Mississippi and Alabama to the new Choctaw Nation Indian Territory. Before that treaty was signed, however, it was evident that a great many Choctaw Indians wouldn't go to the Indian Territory and in order to protect their interests article fourteen was put into the treaty of 1830. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section and lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Person who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q You think you understand that article so that you can claim under it? A I don't know.

Q Do you want it further explained? A Well, I don't know.

Q Well, now, listen: When that treaty was made it was made for the purpose of getting all the Choctaw Indians to come from Mississippi and Alabama to the Choctaw Nation, Indian Territory. A good many Indians said they would come and a good many said they would not; your ancestors said they would not, that is if you claim under that article. So, to protect the interests of those who stayed there article fourteen was put into the treaty, and then it was signed and became a treaty. Now, they could stay in Mississippi and might afterwards come to the Choctaw Nation and have rights here provided they did certain things, that is, provided they within six months after the treaty was signed they must go to the Indian Agent's Office, Col. Ward's and tell him they wanted to stay there, didn't want to come to the Indian Territory, and wanted to get land there: that's what we call complying with the fourteenth article of the treaty of 1830. Now, if they did that, afterwards they might go to the Choctaw Nation, Indian Territory, and the minute they proved that they had done that then they would be admitted as citizens of the Choctaw Nation here. You understand that?

A Yes sir.

Q Did your ancestors do that? A Not as I know of.

Q Never heard of it? A No sir.

Q What was the name of your ancestor that lived in Mississippi in 1830 or who had children at that time, or, in other words, who was the head of a family in Mississippi in 1830? A You speak of my grandparents?

Q Yes, or any one of your ancestors you can remember as living there then? A My grandmother was Polly Dawson; my grandfather John Dawson.

Q Did he have any Choctaw blood? A No sir.

Q She had- Polly had? A Yes sir.

Q How much did she have? A She was my mother's mother; I guess she was half 'cause her great grandfather was Indian.

- Q What was his name? A Don Laylands.
- Q Was he living in Mississippi in 1830? A No sir he was dead.
- Q He was a full blood then? A Yes sir.
- Q How do you know? A I have been told; heard my mother say-she never saw him- but I have heard my mother say she had heard her mother talk about it.
- Q It is a matter of family history? A Yes sir.
- Q Known in the family to be so? A Yes sir.
- Q Do you know whether this ancestor who was the father of your grandmother, Polly Dawson, spoke the Choctaw language? A No sir, that's her grandfather.
- Q If it is her grandfather, she can't have been half Choctaw.
- A Well, I don't know.
- Q Well, was her father or mother full blood? A No sir; her mother was half.
- Q And she would be a quarter? A Yes sir.
- Q And your mother would be a half of that which is an eighth; and you would be a sixteenth? A Well, that's the way it is.
- Q Well, then, you think it is a sixteenth instead of an eighth you are? A (No answer.)
- Q If you are right about that; if Polly Dawson was a half Choctaw then your mother would be a half of that which is a fourth and you would be a half of your mother's blood which is an eighth; but if you go back to her grandfather. A Well, its her grandfather.
- Q Was it Polly Dawson's father or mother was Indian? A Father.
- Q Polly Dawson's father would be full-blood? A Yes sir.
- Q Now then; what are you an eighth or a sixteenth? A Well, we just got the Choctaw blood wrong with us; we and my brother claimed an eighth and we was wrong in it; but my grandmother's father was the Indian.
- Q Well do you know whether your grandmother's father-- A No-
- Q Polly Dawson's mother had the Indian blood? A Why, yes.
- Q Was she a full blood or a half? A Why, her father was full-blood.
- Q Did she have a full blood father and mother both? If she did then Polly Dawson's mother would be a full blood and then you would be right to claim an eighth? Why I ask you this is because you look like a half Indian and if you claim only a sixteenth it is remarkable. A Me and my brother shows like Indians who is on
- Q How many brothers and sisters have you? A Two.
- Q Then you think you have a sixteenth, do you? A Yes sir.
- Q Your brother testified to an eighth? A Well, I did too at first. I have heard that my grandfather was Indian they talked of him; my mother has talked of coming in to prove up a right.
- Q Then Polly Dawson your grandmother, you claim, had a fourth Choctaw blood? A Yes sir.
- Q You don't know of any other Choctaw blood from any other branch of the family? A No sir.
- Q How old is Polly Dawson now? A She is ninety six.
- Q She would be twenty five years old then in 1830? A Yes sir.
- Q Did she have children living with her at that time in Mississippi in 1830? A Yes sir.
- Q Did she have any improvements on land in Mississippi in 1830?
- A If she did I never heard any talk of it.

They owned land there but I don't know how they got it.

Q Did she or any of your ancestors if Choctaw Indians within six months after the ratification of the treaty of 1830 go to the United States Indian agent who lived in Mississippi at that time and tell him that they wanted to stay in Mississippi and take land there? A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Indian Territory with the other Indians between 1833 to 1838? A Well there's some Webb family came out here during that time but I don't remember their names; there's several of them who- I don't know their given names.

Q Did any of your Choctaw ancestors ever receive or claim lands in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A I don't know.

Q Did they ever claim any land or any other benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir I don't know

According to the provisions of article fourteen of the treaty of 1830 the United States Indian Agent who lived in Mississippi at that time whose name was Col. Ward was instructed by the Government to make a list of the names of Choctaw Indians who claimed benefits under article fourteen of that treaty and to put their names down on a list called Ward's Register; for some reason known only to the agent he neglected to the names of Choctaws down on his list, so that comparatively few of the Indians who did make application to him within six months as required by article fourteen. This neglect on the part of the Indian Agent caused many complaints among the Indians because their lands and all improvements they had on them were taken from them and sold and on account of the complaints made a Commission was appointed by Act of Congress approved March 3, 1837, and this Commission went to Mississippi and heard a great many claimants and put their names on list as having proved their rights under that article. In 1842 another Commission was appointed for the same purpose.

Q Do you know whether any of your ancestors appeared before the Commission of 1837 or 1842 and made these claims under article fourteen of the treaty of 1830? A No sir, I don't.

According to the provisions of the Act of Congress approved August 23, 1842, if any claimant appeared before that Commission and proved his right under article fourteen but if it also was shown that his land was taken from him by the Government it was decided that he might select land in Arkansas, Alabama, Mississippi or Louisiana to be taken from vacant Government land in those States, one of them, and that certificates should be issued to him to that effect; these certificates were called scrip.

Q Do you know if any of your ancestors received any such scrip under that Act of Congress? A No sir.

Q Have you any documentary evidence you want to present now, any papers, anything in writing? A No sir.

Q Have you any evidence of the marriage between your father and mother? A No sir.

Reasonable time will be allowed this applicant in which to introduce marriage license or certificate- or copy of same- between

her father and mother; also any other documentary evidence or evidence of any kind that she desires to produce in support of her claim for identification as a Mississippi Choctaw, and to prove that she is lineally descended from any Choctaw Indian who complied with article fourteen of the treaty of 1830 or any other article or the supplement.

Q Do you speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of one descended from mixed ancestry, composed of white and Indian blood. She is a sister of Elliot Kendrick who has appeared for identification before the Commission at Atoka, October 7, just previous to her application; both she and her brother show distinct traces of Indian blood; she claims a sixteenth- in the ~~opinion~~ opinion of the Commission, she has more Choctaw blood than that judging from her appearance; the Indian blood is very marked in her general appearance; also in her brother's. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 7, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 29 day of October, 1901.

Clara Mitchell Wood
Notary Public,

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Georgia Puckett, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Georgia Puckett, et al., H C R 3600
Elliott Kendrick, et al., H C R 3600
Etta Dawson, et al., H C R 3601

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Georgia Puckett, et al.

	Page.
Original application of Georgia Puckett, et al., to the Dawes Commission for identification as Mississippi Choctaws --	1
Original application of Elliott Kendrick, et al., to the Dawes Commission for identification as Mississippi Choctaws --	7
Original application of Etta Dawson, et al., to the Dawes Commission for identification as Mississippi Choctaws --	13
Decision of the Commission denying the applications of Georgia Puckett, et al., Elliott Kendrick, et al., and Etta Dawson, et al., for identification as Mississippi Choctaws --	18

Sub
J.R.B.
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Georgia Puckett, et al., for identification as Mississippi Choctaws, consolidating the applications of

Georgia Puckett, et al.,
Elliot Kendrick, et al.,
Eita Dawson, et al.,

M C R 3689
M C R 3688
M C R 3801

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Georgia Puckett for herself and her three minor children, John Pluster, Louis and Mary L. Puckett; by Elliot Kendrick for himself and his minor child, Hester Kendrick; and by Eita Dawson for herself and her two minor children, Lemmie and Roy Dawson, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Dan Laylands (or Laylock or Hlaylock), who is alleged to have been a full blood Choctaw Indian.


It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

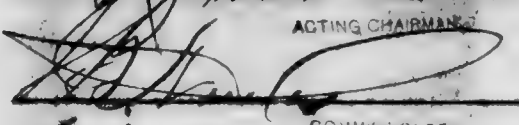
It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Dan Laylands (or Laylock or Hlaylock), or any less remote ancestor of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857, (5 Stats., 100), and August 22, 1842, (5 Stats., 312).

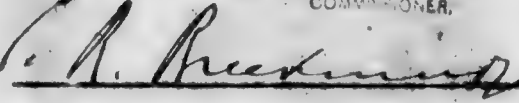
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It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Puckett, John Plaster Puckett, Lonnie Puckett, Mary L. Puckett, Elliot Hendrick, Hester Hendrick, Etta Dawson, Lonnie Dawson and Roy Dawson as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN


COMMISSIONER


COMMISSIONER

Washoe, Indian Territory.

JUL 26 1902

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 48086-1902.

Washington, August 20, 1902.

The venerable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 26, 1902, by T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record in the matter of the application of Georgia Puckett, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830.

July 26, 1902, the Commission held that the applicants were not entitled to identification as Mississippi Choctaws and refused their applications.

In this consolidated case Georgia Puckett applies for the identification of herself and her three minor children, John Pluster, Louie and Mary L. Puckett; Elliott Kendrick applies for himself and his minor child Hester Kendrick; and Etta Dawson applies for herself and her two minor children Lennie and Roy Dawson.

Descent is claimed from Pelly and John Dawson,

grandparents of principal applicant Georgia Puckett. Pelly Dawson, who had Chestaw blood, and John Dawson, her husband, were living in 1830. Ancestry is also traced to one Dan Laylands (or Layleok, or Blayleok), who was the great grand-father of Pelly Dawson.

An examination of the records of this office fails to show that any of the alleged ancestors in this case complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights as Chestaw Indians.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicants as Mississippi Chestaws, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

GAW
D

3 inclosures.

D. C. 14068-1902.

51089

MAY.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 5179-1902.

August 26, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen;

With your letter of July 26, 1902, you transmitted the record and your decision of that date, in the consolidated case of Georgia Puckett and her minor children, John Pluster, Louis and Mary L. Puckett, or Eliett Kendrick and minor child, Hester Kendrick, and of Etta Dawson and minor children, Lennie and Roy Dawson, for their identification as Mississippi Cheetaws.

Applicants endeavor to trace their descent from one Day Laylands (or Layleek or Blayleek), who is alleged to have been a full blood Cheetaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Cheetaw Nation, or that said alleged ancestor or a less remote ancestor of the applicants ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You rejected the applications.

-2-

The Acting Commissioner of Indian Affairs forwarded the papers August 20, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

Having carefully reviewed the case, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.M.D.

1 inclosure.

COPY

M C R 3689

Indian Territory, July 26, 1902.

Georgia Puckett,

Bekahito, Indian Territory.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Georgia Puckett, et al., embracing the following applications for identification as Mississippi Choctaws:

Georgia Puckett, et al.,	M C R 3689
Elliot Kendrick, et al.,	" 3689
Etta Dawson, et al.,	" 3801

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Georgia Puskett-2

Georgia Puskett, John Pluster Puskett, Louis Puskett, Mary L. Puskett, Elliot Kendrick, Hester Kendrick, Etta Dawson, Lonnie Dawson and Roy Dawson as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. B. Needles,

Commissioner in Charge.

Registered.

COPY:

M C R 3689

Muskogee, Indian Territory, July 26, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of July, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Georgia Puckett, et al., embracing the following applications for identification as Mississippi Choctaws:

Georgia Puckett, et al.,	M C R 3689
Elliot Kendrick, et al.,	" 3688
Rita Dawson, et al.,	" 3801

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

M. KAM & Co

Georgia Puckett, John Pluster Puckett, Louis Puckett, Mary L. Puckett, Elliot Kendrick, Hester Kendrick, Rita Dawson, Lennie Dawson and Roy Dawson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered*.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

M C R 3689

Mustagee, Indian Territory, July 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Georgia Puckett, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 26th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Georgia Puckett, et al.,	M C R	3689
Elliot Kendrick, et al.,	"	3688
Etta Dawson, et al.,	"	3601

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters

Secretary-2

being attended to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge

Through the Commissioner
of Indian Affairs.

1 enclosure.

M.S.R. 2000.

COPY.

Muskogee, Indian Territory, September 1, 1902.

Georgia Puckett,

Detshite, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Georgia Puckett, et al., of which decision you were advised by registered mail on the 28th day of July, 1902.

Yours truly,

SIGNED

Tamm Lixby.

Acting Chairman.

M.S.R. 3000

COPY.

Muskogee, Indian Territory, September 8, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Georgia Puckett, et al., of which decision you were advised by mail on the 26th day of July, 1902.

Yours truly,

(SIGNED)

Tame Dixey.

Acting Chairman.

MCR 3689

Muskogee, Indian Territory, November 1, 1905.

Georgia Puckett,

Bokchito, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 30, 1905, requesting that you be granted a rehearing in the matter of your application for the identification of yourself and minor children as Mississippi Choctaws. You enclose a communication from the Commission to the Five Civilized Tribes, dated September 5, 1902, notifying you that the Secretary of the Interior had approved the Commission's decision refusing your application.

You are advised that rehearsals in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by

G P 2

satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

The letter enclosed with your communication of September 30th is herewith returned.

Respectfully,

Commissioner.

MCR 3689

Muskogee, Indian Territory, January 17, 1906.

Fred P. Branson,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, transmitting a motion for a reopening of the Mississippi Choctaw case of Georgia Puckett, et al. Said motion is herewith returned for the reason that the same does not bear proof of service of a copy thereof upon Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Commissioner.

McM 17/5

Muskogee, Indian Territory, January 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Georgia Puckett, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes refusing the several applicants in this case, was, on July 26, 1902, transmitted to the Department.

On August 26, 1902, the Department approved the decision of said Commission in this case, and on September 5, 1902, the several applicants were duly notified of such Departmental action.

On January 20, 1906, this office received from Fred P. Branson, attorney, Muskogee, Indian Territory, a petition for a reopening of the consolidated Mississippi Choctaw case of Georgia Puckett, et al. The same is herewith transmitted for the consideration of the Department.

Respectfully,

(Signed) TAMS BIXBY

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 22/6

MCR 3689

Muskogee, Indian Territory, January 22, 1906.

Fred P. Branson,
Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing motion for rehearing, together with proof of service by registered mail of a copy thereof upon Mansfield, McMurray & Cornish, in the consolidated Mississippi Choctaw case of Georgia Puckett, et al. The same has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

---COPY---

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
81089 - 1902.
11187 - 1904

February 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Acknowledgment is hereby made of the receipt of Departmental letter of the 2nd instant (I.T.D. 1706-1906) enclosing a petition to re-open the Mississippi Choctaw case of Georgia Puckett et al., on which you ask for report.

The applicants in the case of Georgia Puckett were rejected by the Department on August 28, 1902 (I.T.D. 8179-1902). They now base their petition for a rehearing on the ground of the discovery of new evidence. Georgia Puckett makes affidavit that her mother, Elizabeth Kendrick (nee Dawson) is one-eighth Choctaw, that her grandmother, Polly Dawson (nee Webb) was one-fourth Choctaw; that her great-grandmother, Polly Webb (nee Laylock), a one-half breed Choctaw, was the daughter of Daniel Laylock, a full blood Choctaw Indian; that Polly Webb (nee Laylock) was a citizen of the Choctaw country in the State of Mississippi in 1830, and as such complied or attempted to com-

ply with the provisions of the 14th article of the Choctaw treaty of September 27, 1830. She also deposed that at the time of her application for identification she endeavored to secure the testimony of her father and mother, Frank and Elizabeth Kendrick, who were at that time residing in a distant State and were in possession of important facts concerning her ancestry but this testimony she was unable to secure; that Frank Kendrick and Elizabeth Kendrick are now residing within Indian Territory and their testimony can be secured if the case be reopened.

The affiant also says that the testimony submitted in connection with her application as to her ancestors was in part erroneous in that Polly Webb (nee Laylock), her grandmother, and not Polly Dawson (nee Webb) was a Choctaw Indian, who was the head of a family in 1830; and that this will be shown by the testimony of Frank Kendrick and Elizabeth Kendrick; and that it will be further shown by these witnesses that Polly Webb (nee Laylock) complied or attempted to comply with article 14 of the treaty. This affidavit is supported by the affidavits of Frank Kendrick and Elizabeth Kendrick, his wife, they being the parents of Georgia Puckett.

The decision in the original case was predicated on the claim of the applicants based on their descent from Dan Laylands (or Laylock or Blaylock), who is alleged to have been

a full blood Choctaw Indian.

Georgia Puckett testified in the case that her grandmother, Polly Dawson, was the head of a family in the Choctaw Nation in Mississippi in 1830, her husband being John Dawson; and that Polly Dawson was the granddaughter of Dan Laylands, who was dead in 1830.

The applicant tenders proff, in case the motion is sustained, to the effect that her ancestor, Polly Webb (nee Laylock) was the head of a Choctaw Family in 1830 and that she complied or attempted to comply with article 14 of the Choctaw treaty of that year. Immediately after the ratification of the Choctaw treaty, George W. Armstrong was designated by the Government to visit all parts of the Choctaw cession and make a register of all the Indians claiming lands under any and all provisions of the Choctaw treaty and the supplement thereto. The lists prepared by him of the three Choctaw districts, Mushulatubbee's, Witsachache's and Leflore's contain hundreds of names, which fact attests the thoroughness of his work. Soon after this the lands were surveyed and George W. Martin was appointed a representative of the Government to visit the Choctaw country and make a register of the lands claimed by the Indians under the various provisions of the treaty and supplement, together with a description of the lands claimed. Following Mr. Martin, Mr. A. V. Brown was appointed an agent to supervise the sales of lands by the Indians

who received reservations under provisions of the treaty other than the 14th article and under the supplement. After carrying on his work for some months, he resigned, and A. A. Kincannon was appointed in his stead. Both Brown and Kincannon took considerable evidence relating to the claims of persons who elected to take the benefits of the 14th article.

It having been alleged that the Indian Agent did not carry out the provisions of the treaty in good faith in accepting registrations of persons who elected to accept the benefits of the 14th article, an act was passed by Congress in 1837 creating a commission to investigate the claims under the 14th article. This commission was in session during the time provided by law and left the work unfinished. In 1842 an act was passed by Congress providing for the creation of another commission, and under this act the work was carried on for two years, both of the commissions sitting in various parts of the Choctaw Nation and inviting all who claimed to have notified the Agent or unsuccessfully attempted to notify him of their intention to remain and take the benefits of the 14th article, to come before them and submit their proof; and hundreds appeared, filed their claims and produced their evidence. In addition to the lists furnished by the Indian Agent containing the names of certain persons who elected to take the benefits of the 14th article of the treaty, the Office has the register of Armstrong,

the register of Martin, the reports of Brown and Kincannon, and the records of the commissions appointed under the laws of 1837 and 1842. These lists contain thousands of names. It will be seen from the foregoing that during 14 years succeeding the negotiations of the treaty of 1830, there were at different times opportunities for every person who claimed a right to the benefits of the 14th article to make this claim known to representatives of the Government in order that it might be adjudicated.

While these lists and schedule which were in the possession of this office are not necessarily conclusive as to attempts at compliance with the provisions of the 14th article, for the reason that many of those persons who originally appeared before the Agent with the intention of notifying him of their desire to remain under the 14th article, through discouragement afterward abandoned their claims and were transported west by the Government, it can be asserted without any possibility of successful controveray that they are conclusive as to all cases of successful compliance; that is, all cases where the applicants actually received land or scrip in lieu of the land they should have received.

The Office in addition to the lists and schedules mentioned has very complete lists of the Choctaws who were transported west by the Government or who emigrated at their own charge and became incorporated into the Choctaw Nation.

There is also among the files of the Office a large number of "general depositions" taken for use before the commissions acting under the laws of 1837 and 1842, which contain the names of hundreds of heads of Choctaw families, and it was in fact attempted in this way to cover every family, giving their location in 1830, whether they were in fact claimants for land or not.

The records of the Office have been examined with reference to the names of persons who are claimed to be the ancestors of the applicants in this case and nowhere are those names found to appear. The Office does not believe that a re-hearing in this case would produce evidence of such weight and credibility as to overcome the presumption that a person whose name does not appear on its records in some manner never did apply or attempt to comply with the provisions of the 14th article of the Choctaw Treaty of 1830.

For the reasons given above I recommend that the application for a re-hearing be denied.

The original record in the case under consideration is enclosed.

Very respectfully,

C. F. LARRABEE,

Acting Commissioner.

KPH-Y

J.P.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D. 2316-1906
D. C. 8278-1906

February 15, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 7, 1906, the Indian Office submitted a motion for rehearing in the Mississippi Choctaw case of Georgia Puckett et al., forwarded with your letter of January 22, 1906, and recommended that it be denied.

In this case, the Department on August 26, 1902, sustained the decision of the Commission to the Five Civilized Tribes rejecting the applications.

The Indian Office states that the records of that office have been examined with reference to the names of persons who are claimed to be the ancestors of the applicants in this case, and nowhere are these names found to appear. It expresses the opinion that a rehearing in this case would not produce evidence of such weight and credibility as to overcome the presumption that a person whose name does not appear on these records, mentioned by it, in some manner never did comply or attempt to comply with the provisions of the 14th article of the Choctaw treaty of 1830. A copy of the Indian Office letter is inclosed.

The Department does not agree entirely with this conclusion, but it finds the two affidavits in support of the motion insufficient to warrant a rehearing. One affidavit is made by the father of Georgia Puckett, Frank Kendrick, who was born in 1830, in which he states that he knows that the alleged ancestor of Georgia Puckett "was a citizen of the Choctaw Nation in the State of Mississippi, in 1830, and the head of a family, and as such complied, or attempted to comply, with the provisions of the 14th article of the treaty of September 27, 1830." The other affidavit, somewhat to the same effect, is by the wife of Frank Kendrick, Elizabeth Kendrick, who was born in 1841. These persons, of course, if they have any knowledge of the facts alleged must have received it from others. They apparently rely upon what the family "has been taught." They fail to state their means of information or the circumstances relating to the alleged attempt of the alleged ancestor to comply with the provisions of said treaty.

The motion is hereby dismissed, and you will so advise the attorney who filed it.

Respectfully,

(Signed) Thos. Ryan

First Assistant Secretary.

M C R 3689

Muskogee, Indian Territory, March 10, 1906.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

For your information there is herewith enclosed copy of Departmental letter of February 15, 1906 (I T D 2316-1906), accompanied by copy of the report of the Acting Commissioner of Indian Affairs of February 7, 1906 (Land 51089-1902, 11187-1906), denying the motion filed by Fred P. Branson, attorney, of Muskogee, on January 20, 1906, for a rehearing in the matter of the application for the identification of Georgia Puckett, et al. as Mississippi Choctaws.

Respectfully,

Acting Commissioner.

McM 10/3

M C R 3689

Muskogee, Indian Territory, March 10, 1906.

Georgia Puckett,

Bokchito, Indian Territory.

Dear Madam:

You are hereby notified that the motion filed by Fred P. Branson, attorney, of Muskogee, Indian Territory, on January 20, 1906, for a rehearing in the matter of your application for identification as a Mississippi Choctaw, was denied by the Secretary of the Interior on February 15, 1906.

Copy of Departmental letter of February 15, 1906 (I T D 2316-1906, accompanied by copy of the report of the Acting Commissioner of Indian Affairs (Land 51089-1902, 11187-1906), relative to the motion above mentioned, is herewith enclosed .

Respectfully,

Acting Commissioner.

McM 10/1

M C R 3689

Muskogee, Indian Territory, March 10, 1906.

Fred P. Branson,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

For your information there is herewith enclosed copy of Departmental letter of February 15, 1906 (I T D 2316-1906), accompanied by copy of the report of the Acting Commissioner of Indian Affairs of February 7, 1906 (Land 51089-1902, 11187-1906), denying the motion heretofore filed by you for a rehearing in the matter of the application for the identification of Georgia Puckett, et al. as Mississippi Choctaws.

Respectfully,

Acting Commissioner.

McM 10/2

CHOCTAW NATION.

CH

TRIBAL ENROLLMENT				TRIBAL ENROLLMENT OF PARENT			
BLOOD	YEAR	COUNTY	NO.	NAME OF FATHER	YEAR	COUNTY	NAME OF MOTHER

Consolidated Case
of
Georgia Puckett et al.

(Lan. Laylands
(or Laylock or)
Blaylock)

Polly Laylands $\frac{1}{2}$
(or Laylock or)
(Blaylock)

Polly Dawson $\frac{1}{4}$ 96

husband
John Dawson

Elizabeth Dawson $\frac{1}{8}$
married

Frank Kendrick

Georgia Kendrick 33 $\frac{1}{16}$
married
Richard Puckett w.

Etta Kendrick 29 $\frac{1}{16}$
married
Perry Dawson w.

Ellist Kendrick 17 $\frac{1}{16}$
Wife
Bula Kendrick w.

John P. Kendrick
Lorrie " 4
Maryd. " 2

Lennie Dawson 6
Roy " 15 m

Hester Kendrick 1 m

No. 3689

For Identification as a Mississippi Choctaw.

Date OCT -7 1901

Name Georgia Puckett

Age 33 - Blood ~~1/2~~ 1/16

Post Office, Bokchito, I. T.

Father, Frank Kendrick N

Mother, Elizabeth " L

Claims through Mother
her husband Richard Puckett, W.
No claim for husband

Children:

John T. Puckett, 8
Louie (boy) " 4
Mary L. " 2

Claims for self
and children

Stenographer H. L. Harris,

Choctaw MCR 3690

Percy H. Gates

See MCR 3386

MCR 3690

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 7, 1901.

3690

In the matter of the application of Percy Gates for identification as a Mississippi Choctaw.

B.S. Johnson attorney for applicant; no appearance by attorney.

Percy Gates being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Percy Gates: P-e-r-c-y G-a-t-e-s.
Q What is your age? A Twenty three.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived in Durant? A I just came in there yesterday.
Q Where from? A Nevada, Texas.
Q Where do you live? A That's where I am going to live.
Q How long did you live there? A About three months.
Q Where did you come from? And where were you born?
A In Alabama.
Q Q Where in Alabama? A Franklin County, close to the little town of Franklin.
Q How long did you live in Alabama? A I don't know.
Q You lived in Alabama about how long? Give me an idea. One year or twenty five? A I was born in '77.
Q Well, you got out of that State when? A I was three or four years old when I went to Mississippi.
Q Where did you live in Mississippi? A At Pleasant Ridge.
Q How long did you stay in Mississippi? A About five or six-about five years.
Q Then you went where? A Came to Texas.
Q And you have lived in Texas ever since? A Yes sir.
Q Different places in Texas? A Yes sir.
Q What is your father's name? A Braggwerth Gates. B-r-a-g-g-w-e-r-t-h.
Q Is he living? A No sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Stewart now; she was married a second time.
Q What is her given name? A Modena.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A About a sixteenth I guess.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory?

A I don't know; not that I know of.

Q Are you married? A No sir.

Q You apply just for yourself then? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Well, I can't tell.

Q Did you ever hear that your name was put down on the Choctaw tribal rolls as a Choctaw Indian? A No sir.

Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir, not till now.

Q Did you ever make application to the Commission to the Five Civilized tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A Not that I know of.

Q Well, if you did you would know? A Well, I know that I didn't.

Q Nobody made one for you? A Not that I know of.

Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or United States Court in Indian Territory? A No sir.

Q Is this the first application you have ever made of any kind? A Yes sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Well, I don't know that I do.

Q Did you ever read it? A Not that I know of; if I did I don't recollect it.

Q Do you want it explained? A I don't know as its necessary; its a whole lot of trouble for nothing.

Q Aren't you honest in your claim? A Yes sir.

Q What makes you make that remark? A I don't know.

Q You just make it because you feel like it? A Yes sir.

Q Don't you have any confidence in your claim? A Yes, I have some.

Q Well, the treaty will be explained to you if you want it; just say whether you want it explained or not? A Yes sir.

Q Do you know what a treaty is? A Well, I don't.

Q Ever hear what a treaty is? A I have heard but I don't know what it is.

Q A treaty is a compact or contract made between Nations instead of individuals. If such should be made in writing between person it would be called a contract or agreement.

A treaty was made between the United States and the Choctaw Indians in 1830. The object of the treaty was to remove all the Choctaw Indians in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Indians wouldn't go to the Territory and to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six month from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in

that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You think you understand that? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830 as read to you? A Not that I know of.

Q Q What was the name of your Choctaw ancestor who lived in Mississippi in 1830 and who was the head of a family there at that time? A Valentine Gates.

Q Have you had any relatives who have made application before before the Commission and who claimed through this Valentine Gates?

A Yes sir.

Q How many; do you know? A No sir.

Q Do you know when they made application? A Yes I have a pretty good idea.

Q When did they appear? A About the 20th last August.

Q Did they come here before the Commission or in Meridian? A I guess it was later that they came here, on the 28th and went back to Durant and stayed a while.

Q Can you give the names of these? A Yes sir.

Q Give their names please? A Philip Gates.

Q What kin was he? A My uncle.

Q Any more? A Yes; Henry Gates, my second cousin.

Q Any others? A Well, yes, but they are just cousins.

Q Well, give them. A Charley Gates; he is a cousin. Tom Gates, Lud Gates.

Q Any others? A Yes; Mary Gates.

Q And any others you can think of? Is that the Gates you spoke of? A Yes.

Q Any other relatives of yours? A The Bentleys; Aud Bentley; Fred Bentley, Arthur Bentley.

Q Are these all related to you; or kin? A No sir.

Q Do they all claim through Valentine Gates; all these people? A Yes sir.

Q Well, then, they are kin to you? A Yes sir.

Q Do you want their testimony to be taken into consideration with yours so that you can get the benefit of their testimony when yours is examined? A Yes sir.

Q You claim through your father? A Yes sir.

Q How much Choctaw blood did he have? A I don't hardly know.

Q How much do you claim? A About a sixteenth.

Q You don't claim any through your mother, do you? A No sir.

Q How do you know you are a sixteenth if you don't know how much he has? A That's the nearest I can get at it.

Q Guessing at it? A Yes sir.

Q How do you get out a sixteenth; how did you ever guess that?

A Well, my grandfather was three quarters Choctaw.

Q Your grandfather, Valentine Gates? A Yes sir.

Q How much has he? A Three quarters. His wife was a half.

Q Why don't you claim through both Valentine Gates and his wife?

A I do.

Q Is Valentine Gates the father of your father? A Yes sir.

Q And your father, then, claims through his father and mother?

A Yes sir.

Q Now, then, what was his mother's name? A Catherine, I believe.

Q Well, then she was a half or two fourths? A Yes sir. I believe they are the same.

Q Are you sure of that? A Yes; I should think it was.

Q That's what you claim Catherine Gates had? A Yes I reckon it is.

Q And Valentine was three fourths was he? A Yes sir.

Q Now add the two together; two fourths and three fourths, that makes how much? A That makes five fourths.

Q Well, you could hardly have five fourths, could you? A No sir.

Q Your father would be a half of what his mother had and she was a half and he would have a fourth, wouldn't he; a half of a half?

A Yes, I reckon so.

Q And a half of three quarters is how much? A Three eighths I guess.

Q And a fourth reduced to eighths is two eighths, isn't it?

A Yes sir.

Q Two eighths and three eighths is five eighths; that's what you claim your father was? A Yes sir.

Q And you would be a half of that, wouldn't you; a half of five eighths, wouldn't you? A Yes sir.

Q How much would that be now? A About five sixteenths, I guess.

Q You said one sixteenth? A Well, I didn't know.

Q Do you know now? A Yes, I reckon I do.

Q What do you claim now; how much do you claim now? A Five sixteenths.

Q You think that's right? A Yes, I think it is.

Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A No sir; I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or before that time? A Not that I know of.

Q Which ancestor of yours lived in Mississippi in 1830? A Valentine Gates I guess.

Q Now don't guess at all. You are under oath to tell the truth and you are trying to get 500 acres in the Choctaw Nation and you can't get it by guessing. A That's so.

Q Do you know anything about that? A Not for certain.

Q What have you heard in your family or from your relatives as to which of your Choctaw ancestors lived in Mississippi in 1830?

A I haven't heard any.

Q You never heard? A No sir.

Q You claim through your father? A Yes sir.

Q He is dead now? A Yes sir.

Q When did he die? A I don't know.

Q How old was he when he died? A I guess he was about--

Q Now don't guess. A He was about thirty two years old I think.

Q Well, we will put you down as guessing. Do you know when your father died and what age he was when he died? A No sir.

Q Do you think there is any use of your guessing about it then?

A No sir.

Q Who of your ancestors lived in Mississippi then? Did your father live in Mississippi? A He lived in Alabama; he never lived in Mississippi then; not that I know of.

Q And he claims through which parent, father or mother? A Both.

Q Valentine Gates was his father and Catherine Gates his wife, th
that is Valentine Gates' wife? A Yes sir.

Q Do you know that was her name sure? A Well, yes.

Q You are sure that was her name? A Yes sir.

Q You don't seem to be sure about it; I want you to be sure; I
don't want any guess work about it; if you don't know her name,
say so. A I believe that's her name.

Q Well, you say you know it is her name and now you say you be-
lieve it. You are under oath Do you believe it or do you know it?

A I don't say for certain; it might have been Catherine or some-
thing else.

Q Did they live in Mississippi in 1830 either of them or both?

A I don't know for certain.

Q Do you know anything about your grandfather, Valentine Gates's
father or mother, or about his wife's father or mother; whether
they were living or what their names were? A No sir; I think,
though, that my father's father's name was Philip Gates, I think.

Q But you have given it as Valentine Gates? A Well, that's it.

Q How about that Philip now? Are you going back on that? A Yes,
I will back on that I believe.

Q What name are you going to give now? A Valentine Gates.

Q How about Philip Gates? Is there a Philip gates somewhere? I
am going to help you; I want you to get right. Who was Philip
gates? A Well, he was my uncle.

Q Your father's brother? A yes sir.

Q Did any of your Choctaw ancestors go from Mississippi or Ala-
bama to the Choctaw Nation, Indian Territory, with the other In-
dians between 1833 to 1838? A Not that I know of.

Q Did any of your Choctaw ancestors to your knowledge within six
months after the ratification of the treaty of 1830 tell the United
States Indian Agent, Col. Ward, that they intended to stay in
Mississippi, take land there and become citizens of the States?

A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any
land in Mississippi from the United States Government under article
fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors ever claim any land or any
benefits whatever under any other article of the treaty of 1830
than article fourteen or under the supplement to that treaty? A I
don't know.

According to the provisions of the fourteenth article of the
treaty of 1830 the Government required the United States Indian
Agent, COL. Ward, who lived in Mississippi in 1830 to hear the
Choctaw applicants who claimed rights under article fourteen of
that treaty and who did so within six months after the ratifica-
tion of that treaty. The United States Indian Agent failed to
record the names of a great many Choctaw Indians who made declar-
ations to him within the time stated in article fourteen; and on
account of this neglect on his part a great many Choctaw Indians
lost their land that they were living on in Mississippi and the
improvements. The complaints were so many that finally in 1837
Congress appointed a Commission, that appointment was ratified
March 3, 1837, and that Commission went to Mississippi and heard

a great many Choctaw claimants and made lists of those who had proved their rights under article fourteen. In 1842 another Commission was appointed for the same purpose and they made lists of all successful claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either the Commission of 1837 or that of 1842 and claim rights under article fourteen of the treaty? A I don't know.

Q You never heard of it? A No sir.

The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830 but that his land had been taken away from him that he should be entitled to select lands elsewhere in Alabama, Mississippi, Louisiana and Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be issued; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government under that Act of Congress? A No sir.

Q Have you any documentary evidence you want to introduce now in support of your application? A No sir.

Q Have you an attorney? A Yes sir.

Q B.S. Johnson? A Yes sir.

Q What-- do you know what I mean by documentary evidence? A No sir.

Q I mean any papers--? A Oh, yes, I have these; I have got to answer some way.

Q Your name is Percy H. Gates? A Yes sir.

The sworn statement of P.H. Gates, the applicant, is presented by him, received, filed, marked Exhibit "A", and made a part of the record; affidavit of Sarah A. Benson received, filed, marked Exhibit "B", filed and made a part of the record in this case.


Reasonable time is allowed applicant in which to introduce any other documentary evidence which he may desire to introduce in support of his application; also proof of the legal marriage of the father and mother: reasonable time will be thirty days or longer if you need it.

Q You don't speak the Choctaw language do you? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parents; does not speak or understand the Choctaw language; has blue eyes and brown hair; he has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that he has

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COMMISSIONERS

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SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3690

Muskogee, Indian Territory, October 15, 1902.

Percy H. Gates,

Durant, Indian Territory.

Dear Sir:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emily Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Riley O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Veler Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

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SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED DEPT. OF THE INTERIOR

M.C.R. 3690

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 22, 1902.

Percy H. Gates,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,



Acting Chairman.

REFER IN REPLY TO THE FOLLOWING:

WCS-3490

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 19, 1906.

Percy H. Gates,
Durant, Indian Territory.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself is a part.

Respectfully,



Commissioner.

3690

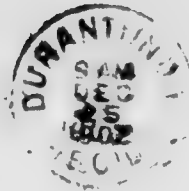


DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS.
FILED

JAN 27 1903

A handwritten signature in dark ink, appearing to be "J. H. ...".

ACTING CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.
Penalty for private use \$300.

Jan. 20
TO THE

Percy H. Gates,

Durant, Indian Territory.

UNRECORDED



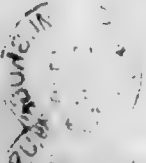
DEPARTMENT
Commissioner



FILE

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Commissioner.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.



3690

Miss Choctaw Div.



Percy H. Gates,

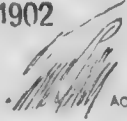
Durant, Indian Territory.

3690

DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.

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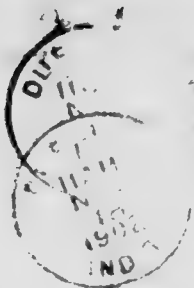
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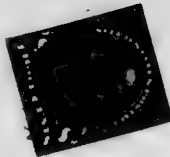
ACTING CHAIRMAN



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104



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Percy H. Gates
Surant



J.F.

No. 3690

For Identification as a Mississippi Choctaw.

OCT -7 1901

Date

Name

^{H.}
Percy Gates

Age

23

Blood

~~4/16~~ 5/16

Post Office,

Quantico, D. C.

Father:

Braggworthy Gates, d

Mother:

Modena Stewart, b

Claims through

father -

~~Children:~~

Claims for self
alone

Stenographer

H. G. Heavis

Choctaw MCR 3691

James M. Pointer

See MCR 790

MCR 3691

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October, 9, 1901.

2691

In the matter of the application of James M. Pointer for the identification of himself and his three minor children as Mississippi Choctaws.

J.E. Arnold attorney for applicant.

James M. Pointer being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James M. Pointer; P-o-i-n-t-e-r.
Q What is your age? A Forty three.
Q What is your post office address? A Hewitt, I.T.
Q How long have you lived at Hewitt? A About ten months.
Q Where did you live before you were there? A Simon, Indian Territory.
Q Where is Hewitt? What nation? A Chickasaw.
Q Where is Simon? A Chickasaw.
Q How long did you live in Simon, Chickasaw nation? A I lived there twelve years I believe.
Q So you have lived at least twelve years last past in the Chickasaw nation? A Yes sir.
Q Where did you live before that? A In Texas.
Q Where in Texas? A Van Horn, Texas.
Q Were you born in Texas? A Yes sir.
Q Always lived in Texas till you came to the Territory? A I was in Arkansas only a short while when I was a child.
Q What is your father's name? A Isaac Pointer; I-s-a-c.
Q Is he living? A No sir.
Q What is your mother's name? A Polly Pointer.
Q P-o-l-l-y? A Yes sir.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A Well, I can't say.
Q Have you any idea? A I would think from what I have been told it would be about an eighth.
Q You are not positive; you think an eighth? A No sir I don't swear positively to that.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe or Indians by either the Choctaw tribal authorities or the United States authorities in the Indian

Territory? A Not that I know of.

Q Are you married? A No? Yes.

Q What is your wife's name? A Cassa! C-a-s-s-a.

Q White woman is she or Indian? A White woman.

Q Do you claim for her? A No sir.

Q Have you children you want to claim for? A Yes sir.

Q How many? A Three.

Q What is the name of the eldest? A Lola Pointer.

Q L-o-l-a? A Yes sir.

Q How old is Lola? A She is sixteen.

Q Next? A Marget.

Q Margaret? A Yes sir.

Q Margaret Pointer, is that right? A Yes sir.

Q How old is she? A Eleven.

Q Next? A Willie.

Q Boy? A Yes.

Q How old is Willie? A He is four I reckon.

Q Is that all the children? A Yes sir.

Q You claim for these children and yourself, do you? A Yes sir.

Q When and where were you married to Cassa your wife? A In- it has been about twenty two years.

Q Where were you married to her? A In Van Zandt County.

Q Texas? A Yes sir.

Q What day of the month? A The 29th of May

Q By a minister and under a license? A Yes sir.

Q Have you your marriage license and certificate with you? A No sir.

Q You think you will file that later? A Yes sir.

Q And also proof of the marriage of your father and mother or some evidence to that effect? A Yes, if I can produce it.

Q They were married by minister under a license? A I don't know.

Q What I desire to show is your legal descent from your father and mother? A Yes sir.

Q What's the idea of proving their marriage. A Yes sir.

Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q Have you ever made application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 18, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or United States Court in Indian Territory? A No sir.

Q Did you ever before this time make application for yourself or your children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.

Q Do you now come before the Commission for the purpose of being identified, yourself and children as Choctaw citizens and claiming land in the Choctaw Nation, Indian Territory under article fourteen of the treaty of 1830? A I reckon.

Q Do you understand that article? A No.

Q Have you read it? A No sir.

Q Ever have it explained to you? A No sir.

Q Then you don't understand it do you? A If I have read it I don't remember.

Q You claim your right to be identified because you claim you have Choctaw blood which has come down to you through some Indian who lived in Mississippi and who never came here, do you? A Yes sir.

Q Now do you know that in 1830 a treaty was made between the Choctaw Indians and the United States Government, the Choctaw Indians who lived in the old Choctaw nation in Mississippi and Alabama; this treaty was made on September 27th, 1830, and the object of that treaty was the removal of all the Choctaw Indians from the old Choctaw nation to the new Choctaw nation in the Indian Territory. Have you ever heard about that? A Yes I have.

Q That comes under the treaty of 1830; so you have heard about it? A Yes sir.

Q Now before that treaty was signed the Government representatives found out that the treaty wouldn't be signed unless a good many who stayed- they wouldn't go to the Indian Territory- had their rights looked after; something had to be done; so article fourteen was drafted by Greenwood Leflore, one of the Chiefs of the Choctaw Nation, and when that treaty had that article put in it was signed. Now that treaty looked after the interests of those Indians who stayed back in Mississippi and it read as follows and reads as follows today, being the same: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become a citizens of the States in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that? A Yes sir.

Q Do you claim under that and did your ancestors comply with it do you know? A I don't know.

Q You claim rights under the fourteenth article of the treaty, don't you? A Yes sir.

Q Did any of your Choctaw ancestors to your knowledge comply or attempt to comply with the provisions of article fourteen of the treaty? A Not that I knew of.

Q What was the name of your Choctaw ancestor who lived in Mississippi in 1830? A I don't know; can't tell you.

Q You claim through your father? A Yes sir.

Q He claimed through which parent? A His mother.

Q What was her name? A I can't tell you that.

Q She claimed through which one of her parents, father or mother. A I can't tell you that.

Q You can't go any farther back than your mother? A My father's mother.

Q You don't know her name? A No sir.

Q How old was your father when he died? A I think he was 62.

Q Where did he die? A In Woodside County, Texas.

Q What year did he die? A I don't remember; about twenty eight years ago; something about that.

Q He would be ninety years old then now? A Yes, somewhere about that.

Q Where was he born? A I don't know.

Q Don't know whether he was born in Mississippi or not? A No sir.

Q Then you really don't know anything about any ancestor who lived in Mississippi? A No sir.

Q Do you know as a matter of fact whether any of your ancestors lived in Mississippi or not? A No sir I don't know whether they did or not.

Q How do you propose to prove that you are descended from a Mississippi Choctaw; (by Mississippi Choctaw is meant a Choctaw who lived in Mississippi in 1830, or any time previous to that or any time after that.) A I am to prove it by old witnesses that knew my father in his younger days and my grandmother.

Q You think if time is given you to introduce witnesses before the Commission to prove that you are descended from Mississippi Choctaws? A Yes sir.

Q Have any of your relatives or kin-folks appeared before the Commission for identification as Mississippi Choctaws? A No sir, not until now.

(J.E. Arnold asks: Q Aren't you related to Mrs. Rowley? A Yes sir.)

Q Give the names of whomever of your kin who have appeared before the Commission for identification as Mississippi Choctaws.

A Ann Rowley, is the only one I know.

Q What relation is she to you? A Well, second cousin; her grandmother and my grandmother was said to be sisters; that's what I am to prove.

Q Her grandmother and your grandmother were sisters? A Yes sir.

Q What was your grandmother's name? A I can't tell you.

Q Do you know what her grandmother's name was? A No sir.

Q Do you claim to be descended from the same common ancestor with Ann Rowley? A Yes sir.

Q Give me the name of some other person who is related to you who has appeared here? A James Cowen.

Q When did he come here? Did he come to Atoka?

(J.E. Arnold says Muskegee last fall.)

Q Did he appear at Muskegee last fall for identification as a Mississippi Choctaw? A I suppose so.

Q What relation was he to you? A Second cousin.

Q Do you both claim through the same common ancestor? A Yes sir.

Q Do you think of any others who are related to you and who have appeared either at Muskegee or any other place? A Not that I know of.

Q Do you want to have their testimony taken with yours so that you can get the benefit of their testimony as to your being descended from the same common ancestor who had Choctaw blood and in reference to all other points that may be material in your case? A Yes sir.

Q Have you any documentary evidence to introduce at this time in support of your application? A No sir.

J.E. Arnold requests time to file such.

Reasonable time will be allowed this applicant in which to introduce documentary evidence or other evidence in support of his application and to prove that he is descended from Mississippi Choctaws and ancestors who complied with the provisions of article fourteen of the treaty of 1830: also marriage license and certificate or certified copy of the same of the marriage of his father and mother, and also of his own marriage to his wife, Galla.

Q Do you know if any of your Choctaw ancestors ever claimed or received any land in Mississippi under article fourteen? A I don't know.

Q Do you know if they ever claimed or received any land or other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir, I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 or before that time? A I don't know.

Q Do you know if any of your Choctaw ancestors went from Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know whether they did or not.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Col. Ward, that they intended to stay in Mississippi and become citizens of the United States and take land there? A I don't know.

In 1837 a Commission was appointed by Act of Congress of March 3, 1837 to hear claimants who claimed rights under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for a similar purpose and these Commissions made lists of all the Choctaw claimants who appeared before either of them and proved their rights under article fourteen. The appointment of these Commissions was made necessary from the fact that the United States Indian Agent, Col. Ward, in 1830 neglected to place on his list, called Ward's Register, the names of a great many Choctaws who came before him within the six months after the treaty was ratified and told him that they wanted to stay in Mississippi and take land there. Col. Ward had been instructed by the Government to report the name of every claimant who came before him; he was negligent so that Ward's register has upon it very few names of those who came before him. It was the complaints of Indians that were made afterwards who were dispossessed of their lands and improvements.

Q Do you know if any of your ancestors appeared before either of these Commissions, that of 1837 or 1842 and claimed benefits under article fourteen? A I don't know.

Q You never heard? A No sir.

The Act of Congress approved March 23, 1852, provided that in case it should be finally determined that a claimant who appeared before that Commission had rights under the fourteenth article but that his land had previously been taken from him that he should be entitled to select land in Arkansas, Alabama, Louisiana or Mississippi and that a certificate should be issued to him to that effect; these were called scrip.

Q Do you know if any of your ancestors received any scrip from the Government under that Act of Congress? A No.

Q Is there anything more you want to say in support of this claim? A No sir, nothing else I know.

Q Do you speak Choctaw? A No sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; tan complexion, rather dark; dark brown hair, brown mustache, wide features, rather high cheek bones. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 7, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 29th. day of October, 1901.

Clara Mitchell Wood

Notary Public.

Muskogee, Indian Territory, October 21, 1901.

Mr. J. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 11, 1901, enclosing the affidavits of T. J. Miller and W. C. Robinson which you offer for filing in support of the application for identification as Mississippi Choctaws of James M. Pointer et al.

The same have been duly filed and made a part of the record in this case.

Yours truly,

M.C.3691.

Muskogee, Indian Territory, December 20, 1901.

J. P. Arnold,

Attorney at Law,

Armore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the eighteenth instant, inclosing certified copy of the marriage license and certificate of J. M. Pointer and Miss G. A. Jolley, which you offer for filing in support of the application for identification as Mississippi Choctaws of James M. Pointer, et al.

Also certified copy of marriage license and certificate between Richard G. Murray and Miss Jackson Platt, together with affidavit of F. J. Burns with reference to the error in names, attached thereto, offered for filing in support of the application for identification as Mississippi Choctaws of Jackson Platt. The same have been filed with the records in these cases and will receive proper consideration in the disposition of the applications.

Yours truly,

No 3502
No 2708

Commissioner in Charge.

M.C.R., 3691.

COPY

Manegee, Indian Territory, April 21, 1902.

James M. Pointer,
Nowitt, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Cowen, et al., embracing the following applications for identification as Mississippi Cheateas:

James Cowen, et al.....	M.C.R.	720
Nancy Jane Nowley.....	M.C.R.	803
Nathan Cowen.....	M.C.R.	817
Lester Cowen.....	M.C.R.	820
Samuel Cowen.....	M.C.R.	824
William Nowley.....	M.C.R.	826
James M. Pointer, et al.....	M.C.R.	3691
Lacy A. Pointer, et al.....	M.C.R.	3692
Mary Phillips, et al.....	M.C.R.	3693
William A. Pointer, et al.....	M.C.R.	3703
Johnathan Cowen.....	M.C.R.	822
Gelle Quirk, et al.....	M.C.R.	804
Levie Caldwell, et al.....	M.C.R.	3702

"Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 26, 1902, (32 Stat., 285), is as follows:

J. N. P., 2.

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of James Cowen, Chester Cowen, Nancy Jane Rowley, Nathan Cowen, Luster Cowen, Daniel Cowen, William Rowley, James M. Pointer, Lela Pointer, Margaret Pointer, Willie Pointer, Lacy J. Pointer, Jewell V. Pointer, George Corban Pointer, Mary Phillips, Leroy Phillips, Maudie Phillips, Lacy Phillips, Jennie Phillips, Ernest Phillips, Pearl Phillips, William M. Pointer, Johnnie V. Pointer, Otis Pointer, Johnathan Cowen, Celia Quick, Joe Wilson, Daisy Quick, Frank Quick, Andrew Quick, Nestie Quick, Levie Caldwell and William Caldwell, as Chectaw Indians entitled to rights in the Chectaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tams Bixby.

(SIGNED)

Actg. Chairman.

Register.

Miss. Choctaw 3691

Muskogee, Indian Territory, May 13, 1902.

Charles Ward,

Post Master,

Hewitt, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 9, in which you state that you have at your office a registered letter, Number 6818, Package Number 3178, addressed to James M. Pointer, which arrived there April 25, 1902, and has not been delivered, and you inquire what disposition to make of the same.

In reply to your letter you are advised that if James M. Pointer no longer receives mail at Hewitt, and left no forwarding address at your office, kindly return the registered letter to the Commission to the Five Civilized Tribes, Muskogee, Indian Territory.

Yours truly,

Acting Chairman.

COPI

M.C.R. 3691

Washago, Indian Territory, June 17, 1902.

James M. Pointer,

Hewitt, Indian Territory.

Dear Sir:-

You are hereby advised that on the 3rd day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Cowen, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

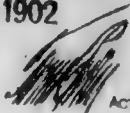
Yours truly,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 18 1902

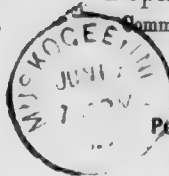


ACTING CHAIRMAN



~~Asst~~
*Return to
writer.*

REMOVED



Department of the Interior.

Commissioner of the Five Civilized Tribes.

MUSKOGEE, OKLA. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

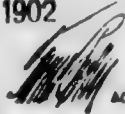
James M. Pointer,

~~Nowitt,~~

~~Indian Territory.~~

3691

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1902



ACTING CHAIRMAN



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Writer
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Reg. No. 4.3.
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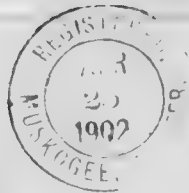
James M. Cowley
~~Hewitt~~

~~Smith~~

6813

12/7

Department of the Interior
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TEN.
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Penalty for private use, \$300.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

6813

James M. Fort
Here

No. 3691

For Identification as a Mississippi Choctaw.

Date

OCT -7 1901

Name James M. Pointer

Age 43

Blood - $\frac{1}{8}$ — ?

Post Office Hewitt, D. T.

Father; Sam Pointer, — d

Mother: Polly " d

(claims through father
wife - Cassa " w.
No claim for wife.

Children:

Lola Pointer - 16

Margaret " 11

W. Willie (boy) " 4

Claims for self &
& children —

Enographer H. M. Hains

Choctaw MCR 3692

Lacy J. Pointer

See MCR 790

MCR 3692

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 9, 1901.

3092

In the matter of the application of Lacy J. Feinter for the identification of himself and his minor child as Mississippi Choctaws.

Applicant represented by J.E. Arnold.

Lacy J. Feinter being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lacy J. Feinter: L-a-c-y.
- Q What is your age? A Forty seven years old.
- Q What is your post office address? A Reek, at present.
- Q What place? A Chickasaw.
- Q Indian Territory? A Yes sir.
- Q How long have you lived there? A I haven't lived there quite a year yet but I have been living near there for nearly fifteen years.
- Q Where were you born? A Van Landt, Texas.
- Q After you left Texas where did you go? A To the Territory; I was only out of the State that time till I came to the territory.
- Q Have you lived here since? A Yes sir.
- Q What is your name? A Isaac Feinter.
- Q Is he dead? A Yes sir.
- Q What is your mother's name? A Polly Feinter.
- Q She is also dead? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A Father.
- Q How much do you claim? A I don't know.
- Q Can't you give any idea? A Not much.
- Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Martha Feinter.
- Q Is she a white woman or an Indian? A White woman.
- Q Do you claim for her? A No sir.
- Q Have you any children under twenty one years of age and unmarried that you want to make application for? A I have one.
- (I have got a boy in the Philippine Islands but I can't represent him. Q Is he a soldier? A No sir, teaching school.)

- Q What is this child's name? A Jewell V.
 Q That's a girl? A Yes sir.
 Q What is her age? A She is two years old.
 Q That's all in it? A Yes sir.
 Q When and where were you married to your wife? A Four years ago near Ardmore.
 Q What is the full date? A In May, but I am not sure.
 Q Have you your marriage license and certificate with you? A No sir not with me.
 Q Have you your marriage license and certificate or any proof of the marriage of your father and mother? A No sir.
 Q They were legally married? A Yes sir.
 Q You have no proof of that? A No sir.

Reasonable time will be allowed this applicant in which to produce marriage license and certificate or certified copies of them in the marriage of himself to his wife; also proof of the legal marriage of his father and mother.

- Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
 Q Have you ever made application for yourself or child for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Not before this.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under Act of June 10, 1896? A No sir.
 Q Have you ever been admitted, you or your child to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or United States Court in Indian Territory? A No sir.
 Q Did you ever before this time make application for yourself or child to the Dawes Commission or the tribal authorities? A No sir.
 Q Do you now come before the Commission for the purpose of identifying yourself and child as Mississippi Choctaws and claiming lands in the Choctaw Nation in Indian Territory under article fourteen of the treaty of 1830? A I don't know, what the treaty is.

The treaty of 1830 was made between the Choctaw Indians and the United States Government; at the time it was made the Choctaw people were all living in the old Choctaw Nation which was partly in the State of Mississippi and partly in the State of Alabama, a small portion along the Eastern strip of the State. The object of the treaty was the removal of all the Choctaw Indians from the old Choctaw Nation to the new Choctaw Nation, Indian Territory. The Government thought their interests were not properly protected in Mississippi; they were encroached upon by white people; and that they would have more rights in the Nation governed by themselves and unobscured by white people; that was why they wished to remove them. Before the treaty was ratified, in fact, before it was signed, it became evident that a great many Indians would not go to the new Nation and some provision had to be made to protect

their rights; so article fourteen was put into that treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that? A Yes sir.
 Q You claim under that article? A Yes sir.
 Q Do you know whether any of your ancestors if Choctaw Indians complied or attempted to comply with the provisions of the fourteenth article which has been read to you? A I really don't.
 Q What is the name of your Choctaw ancestors who lived in Mississippi in 1830? A I don't know.
 Q You claim through--? A Father.
 Q Isom Pointer? A Yes sir.
 Q Did he live in Mississippi? A I don't know.
 Q Where did he die? A I can't tell you. I don't remember.
 Q Where did he die? A In Van Zandt County, Texas.
 Q How old was he when he died? A I don't know.
 Q He claimed through which parent? A Mother.
 Q What was her name? A Pointer.
 Q The other name; what was her given name? A I don't know.
 Q Did she live in Mississippi? A I don't know.
 Q Have you any relatives who have appeared before this Commission for identification? A Mrs. Nanny Rowley.

Arnold
 (J.E. Rowley says Ann Rowley.)

- Q Who else? Anybody? A I don't remember.

(Mr. Arnold says James Cowen.)

- Q Where did they appear before the Commission as for identification as Mississippi Choctaws? A I don't know. Have heard that they appeared in Mississippi last Fall; I have heard my attorney say they did.
 Q You don't know, though? A No sir.
 Q What relation are these two parties to you? A I really don't know; I have been told that they was relatives of ours.
 Q But you don't know what relation? A I don't.
 Q Do you know if they claim through the same common ancestor? A No sir; I don't.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know.

- Q Are you related to James M. Pointer? A Brother; yes.
- Q He appeared for identification on the above date, October 7?
- A Yes sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek tell the United States Indian Agent Col. Ward, that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors to your own knowledge claim or receive any land or any benefits whatever from the United States Government as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did they ever claim or receive any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.
- Q You can give the Commission no further information than you have already in regard to your Mississippi Choctaw ancestry?
- A No sir.
- Q You can go back only to your father's father? A I don't know my father's father; I don't know my grandfather.
- Q Your father claims his blood through his mother? A Yes sir.
- Q But you can't give her given name or her maiden name? A No sir.
- Q Could you tell how much Choctaw blood she had? A No sir.
- Q or whether she had any Indian name? A No sir.
- Q Could you tell whether she spoke the Choctaw language? A No sir, I can't.
- Q Do you know of any person or persons who would be apt to know anything about your father's mother or any of his ancestors, whether they were Indians and how much Choctaw blood they had and whether they lived in Mississippi or not? A Yes I know some.
- Q Can you get their evidence before the Commission within reasonable time? A (Prompted by J.E. Arnold applicant says yes.)
- Q You have no documentary evidence or witnesses you want to introduce now? A No sir.

Reasonable time will be allowed this applicant to bring witnesses before the Commission to testify to the material facts in this case and also to introduce any proof in support of the application he makes for himself and child.

In accordance with the provisions of the fourteenth article of that treaty of Dancing Rabbit Creek the United States Indian Agent who lived in Mississippi in 1830 was required by the Government to make a list of the names of all Choctaw Indians who went before him within half a year after the ratification of the treaty of 1830 and told him they wanted to stay in Mississippi and take land there. He failed to record the names of a great many Choctaw Indians who did that, so that Ward's Register has on it comparatively few of the names of the Choctaw Indians who made declarations of intention to take land in Mississippi as required by article fourteen of that treaty. This neglect caused many complaints and a great deal of distress and suffering among those who held

land in Mississippi because the land was taken away from them and they lost the land and all the improvements upon them. The complaints became so numerous that in 1837 Congress appointed a Commission by Act approved March 3, 1837, and that Commission went to Mississippi and heard a great many claimants under article fourteen and made lists of their names. In 1842 another Commission was appointed for the same purpose and they made lists of the claimants who appeared before them.

Q Did any of your ancestors go before either of these Commissions and claim benefits under the treaty of 1830? A I don't know.

If any claimants appeared before the Commission of 1842 and proved his right to take benefits under article fourteen and if it also appeared that his land had been taken from him it was decreed that he should receive land either in Arkansas, Alabama, Mississippi or Louisiana, and certificates to that effect should be issued; these certificates were called scrip.

Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim benefits under that article fourteen of that treaty? A No sir, not that I know of.

Q Did any of your ancestors receive and such scrip from the United States Government pursuant to this Act of Congress of 1842? A Not that I know of.

Q Have you any documentary evidence--? A No sir.

Q You think if reasonable time is given you you can prove your ancestry? A Yes sir.

Q Do you speak Choctaw? A No sir.

Q Is there anything further you want to state in support of your claim? A No sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, light brown mustache and brown hair; complexion medium dark; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 7, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 29 day of October, 1901.

Clara Mitchell Wood

Notary Public.

Muskegee, Indian Territory, October 26, 1901.

J. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant enclosing certificate of marriage of L. J. Pointer to be filed in support of his application for the identification of himself and minor children as Mississippi Choctaws.

There was also enclosed with your letter certificate of marriage of J. G. Platt to be filed in support of his application for the identification of himself and his minor children as Mississippi Choctaws.

The papers forwarded by you have been duly filed with the records of the Commission in the cases of these applicants for identification as Mississippi Choctaws and will receive the consideration of the Commission in the disposition of their claims.

Yours truly,

Acting Chairman.

MO R-3704
MO R-3692

Muskogee, Indian Territory, November 22, 1901.

J. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twentieth instant, inclosing evidence of the birth of George Gerben Pointer, infant son of Martha F. and Lacy J. Pointer. It appears from our records that on October 7, 1901, Lacy J. Pointer appeared before the Commission at Atoka, Indian Territory, and applied for identification for himself and one child as Mississippi Choctaws. The affidavits of the mother and the physician at the birth of this child have been accepted as evidence of such birth, and will be taken with and made a part of the original application for identification as Mississippi Choctaws of Lacy J. Pointer, et al.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 3692.

Muskogee, Indian Territory, April 21, 1902.

Lacy J. Pointer,

Reck, Indian Territory.

Dear Sir:-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Cowen, et al., embracing the following applications for identification as Mississippi Choctaws:

James Cowen, et al.....	M.C.R.	790
Nancy Jane Rowley.....	M.C.R.	803
Nathan Cowen.....	M.C.R.	817
Luster Cowen.....	M.C.R.	820
Daniel Cowen.....	M.C.R.	824
William Rowley.....	M.C.R.	826
James H. Pointer, et al.....	M.C.R.	3691
Lacy J. Pointer, et al.....	M.C.R.	3692
Mary Phillips, et al.....	M.C.R.	3693
William H. Pointer, et al.....	M.C.R.	3703
Johnathan Cowen.....	M.C.R.	822
Celia Quick, et al.....	M.C.R.	804
Levie Goldwell, et al.....	M.C.R.	3702.

*Said decision, after a review of the evidence submitted concludes as follows:

*The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1898, (30 Stats., 495), is as follows:

L. J. P., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of James Cowen, Chester Cowen, Nancy Jane Rowley, Nathan Cowen, Luster Cowen, Daniel Downen, William Rowley, James M. Pointer, Lola Pointer, Margaret Pointer, Willie Pointer, Lacy J. Pointer, Jewell V. Pointer, George Corban Pointer, Mary Phillips, Leroy Phillips, Maudie Phillips, Lacy Phillips, Jennie Phillips, Ernest Phillips, Pearl Phillips, William R. Pointer, Johnnie V. Pointer, Otis Pointer, Johnathan Cowen, Celia Quick, Joe Wilson, Daisy Quick, Frank Quick, Andrew Quick, Vestie Quick, Levie Caldwell and William Caldwell, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamc Dixby.*

Acting Chairman.

Register.

Miss. Choctaw 3498.

Okagee, Indian Territory, April 25, 1902.

W. J. Painter,

Manila, Philippine Islands.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 13, inclosing certificate of Elmer B. Bryan, Acting General Superintendent of Public Instruction for the Philippines, together with the act of the Philippine Commission which prevents your leaving the Islands within one year, and you request that your father, L. J. Pointer, or your half brother, J. G. Platt, be permitted to make application for your identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that on April 16, 1902, the Commission rendered a decision in the consolidated case of which the application of Lucy J. Pointer et al. has been made a part, refusing the several applications of the persons therein named for identification as Mississippi Choctaws. And on April 21, 1902, the applicants were notified of this decision. And the records in the case are transmitted to the Secretary of the Interior.

If you still desire to present your claim to identification

W.J.P. 2

as a Mississippi Choctaw, your father, Lacy J. Pointer, will be permitted to make an application on your behalf, upon the presentation by him of the certificate showing that you are a teacher now in the service of the Philippine Commission, a copy of the act of said Commission which prevents your leaving the Islands, and a power of attorney from you authorizing the said Lacy J. Pointer to make an application for your identification as a Mississippi Choctaw.

Your attention, however, is invited to the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

From the provisions of the above legislation it would seem that even if you should be identified as a Mississippi Choctaw it would be necessary for you to establish a residence in the Choctaw-Chickasaw country in order to derive the benefits of the above provisions of law.

A letter has been addressed to J. G. Platt, Simon, Indian Territory, containing the same information, and returning the certificate of Elmer B. Bryan and the act of the Philippine Commission which were inclosed with your letter and by him forwarded to this Commission.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 3692

Muskogee, Indian Territory, June 17, 1902.

Lazy J. Pointer,

Musk, Indian Territory.

Dear Sir:-

You are hereby advised that on the 3rd day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Chickasaw, Choctaw of the several persons included in the consolidated case of James Cowen, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

(SIGNED)

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

OCT - 7 1901

Name Lacy J. Pointer, —

Age 47 — Blood don't know.

Post Office. Reek, L. T.,

Father: Isom Pointer, d

Mother: Pally " d

Claims through father —
wife Martha " w.

No claim for her —

Children:

Jewel V. Pointer, 2.

Claims for —
I — Chied —

Stenographer

H. G. Hains.

Choctaw MCR 3693

Mary Phillips

See MCR 790

MCR 3693

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 7, 1901.

3593

In the matter of the application of Mary Phillips for the identification of herself and her six minor children as Mississippi Choctaws.

Applicant is represented by J.E. Arnold.

Mary Phillips being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Phillips; P-h-i-l-l-i-p-s.
Q What is your age? A Forty two.
Q What is your post office address? A Simon, Chickasaw Nation.
Q Indian Territory? A Yes sir.
Q How long did you live there? A Thirteen years.
Q Where did you live before that? A Texas; Van Zandt.
Q Where -- were you born in Texas? A Yes sir.
Q And removed when you were small to Arkansas? A Yes sir.
Q Lived there two years and went back to Texas? A Yes sir.
Q And lived in Texas until you went to Simon, Indian Territory?
A Yes sir.
Q What is your father's name? A Isom Pointer.
Q He is dead? A Yes sir.
Q What was your mother's name? A Polly Pointer.
Q She is also dead? A Yes sir.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know sir.
Q Was your father ever recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by either the Choctaw
tribal authorities or the United States authorities in the Indian
Territory? A If he was I never knew it.
Q Is your husband living? A Yes sir.
Q What is his name? A William Phillips.
Q Is he a white man or Indian? A White man.
Q Do you make a claim for him? A No sir.
Q Have you any children under twenty one years of age and unmarried
for whom you wish to make application? A Yes sir, six.
Q What is the name of the oldest? A Leroy Phillips.
Q How old is Leroy? A Sixteen.
Q Next? A Maudie Phillips.
Q M-a-u-d-i-e? A Yes sir.
Q How old is Maudie? A She is fourteen.

Q Next? A Lacy Phillips; thirteen
 Q L-a-c-y? A Yes sir.
 Q Next? A Jennie Phillips.
 Q How old? A Eleven.
 Q Next? A Ernest.
 Q E-r-n-e-s-t? A Yes sir.
 Q How old? A Nine.
 Q Is that all? A Pearl; P-e-a-r-l; she is seven.
 Q Is that a girl? A Yes sir.
 Q Any others? A No sir.
 Q You claim for yourself and these children do you? A Yes sir.
 Q How is William Phillips the father of these children? A Yes sir.
 Q And you are the mother? A Yes sir.
 Q They are all living with you at your home? A Yes sir.
 Q When and where were you married to him? A Twenty one years ago in Kaufman County? Texas.
 Q By a minister and under a license? A Yes sir. Got the license at Kaufman, the County seat.
 Q Did you ever make application for citizenship for yourself or children to the Choctaw tribal authorities? A No sir.
 Q Did you ever make application for the enrollment of yourself or children to the Dawes Commission under Act of June 10, 1896? A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the United States Court in Indian Territory, or the Dawes Commission? A No sir.
 Q Have you ever made application before this time for yourself or children to either the Choctaw tribal authorities or the United States authorities? A No sir, not till now.
 Q Do you now come before the Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes.
 Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians, in the year 1830 September 27, at a place called Dancing Rabbit Creek in Mississippi. The object of the treaty was the removal of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Indians wouldn't go to the Territory and so in order to protect their interests article fourteen was put into the treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty

in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You claim under that, do you? A Yes sir.

Q Do you understand that? A I reckon so; yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of that treaty, as I read it to you? A I don't know.

Q What was the name of your Choctaw ancestor who lived in Mississippi in 1830? A I don't know.

Q You claim through your father? A Yes sir.

Q Through which parent did he claim? A Mother.

Q What was that mother's name? A I don't know.

Q Are you related to James M. Pointer who made application for identification on the above date? A Sister.

Q You are also a sister of Lucy J. Pointer who appeared at the same time? A Yes sir.

Q Do you want their testimony taken into consideration together with yours when yours is examined? A Yes sir.

Q Have you any relatives who have appeared before the Commission; any kin at all? A No sir.

Q Do you know of any persons who claim under the same common ancestor that you do who have come before the Commission at any time? A No sir.

Q You are not now able to tell anything about your Mississippi Choctaw ancestors? A No sir.

Q Or whether you had any ancestors who lived in Mississippi and were recognized Choctaw Indians? A No sir.

Q You think you will be able to produce that evidence if given time to do so? A Yes sir.

Q You have no evidence whatever now? A No sir.

Q As the matter stands there will be no likelihood of your getting favorable decision, because you have not shown that you have any Mississippi Choctaw ancestry, so that it will be necessary for you to supply that proof: That you are descended from Mississippi Choctaw Indians who lived in Mississippi in 1830 and one who was the head of a family at that time and complied with the provisions of the fourteenth article of the treaty of 1830- as nearly as he possibly could with the treaty of 1830, more particularly article fourteen, of course.

Reasonable time will be allowed this applicant in which to present documentary evidence in support of this application which she makes for herself and children; also to present witnesses before the Commission to testify orally in her behalf; also marriage license and certificate or certified copy of the same of the marriage of her father and mother or substantial proof of their marriage.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A A I don't know.

Q Did any of them go from Mississippi or Alabama to the new Choctaw Nation, in the Indian Territory, with the other Indians between

1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Col. Ward that he intended to stay in Mississippi and take land there? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830 or any benefits whatever? A I don't know.

Q Did they ever claim any rights, privileges or land under any other article of the treaty of 1830 than article fourteen or under the supplement to that article? A I don't know.

Q Did any of your ancestors appear before the Commission appointed by Act of Congress approved March 3, 1836, or before the Commission appointed by Act of Congress of August 23, 1842, and claim rights or benefits or privileges under article fourteen of the treaty of 1830? A I don't know.

The reasons these two Commissions were appointed were that the United States Indian agent was instructed to take the names of all applicants who came before him within six months after the ratification of the treaty of 1830 and put their names down on a list; the Government so instructed him. He neglected to do this. He put on his list, called Wrd's register, but a small fraction of those who came before him and claimed under article fourteen; this neglect on his part led to the wrong being done the Indians of having their lands taken from them and also the improvements on these lands; they complained, and so many complaints were made by Choctaw Indians that these two Commissions were appointed and lists were made by them of the successful claimants who appeared before them.

Q You say you don't know whether any of your Choctaw ancestors appeared before either? A No sir.

The Act of Congress approved August 23, 1842, provided that in case it should appear that any claimant appeared before them and proved his rights under article fourteen and if it also appeared that his land had been taken from him that this claimant should receive land in Louisiana, Alabama, Arkansas or Mississippi, to be taken from vacant Government land and that certificates should be issued to him to that effect; these certificates were called scrip.

Q Do you know whether any of your Choctaw ancestors ever received any such scrip from the Government as Choctaw Indians? A No sir, I don't.

Q Do you speak Choctaw? A No sir.

Q Do you understand Choctaw? A No sir.

Q Is there anything more you want to say in support of this claim?
AA No sir.

This applicant has the appearance and physical characteristics

of being descended from white parentage; light complexion, blue eyes, brown hair; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 7, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 29 day of October, 1901.

Clara Mitchell Wood,

Notary Public.

COPY.

Muskogee, Indian Territory, April 21, 1902.

Mary Phillips,
Simon, Indian Territory.

Dear Madame:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Cowen, et al., embracing the following applications for identification as Mississippi Choctaws:

James Cowen, et al.....	M.C.R.	790
Nancy Jane Rowley.....	M.C.R.	803
Nathan Cowen.....	M.C.R.	817
Luster Cowen.....	M.C.R.	820
Daniel Cowen.....	M.C.R.	824
William Rowley.....	M.C.R.	826
James M. Pointer, et al.....	M.C.R.	3691
Lacy J. Pointer, et al.....	M.C.R.	3692
Mary Phillips, et al.....	M.C.R.	3693
William R. Pointer, et al.....	M.C.R.	3703
Johnathan Cowen.....	M.C.R.	822
Delia Quick, et al.....	M.C.R.	804
Levie Colwell, et al.....	M.C.R.	3702

*Said decision, after a review of the evidence submitted concludes as follows:

*The authority vested in the Commission by the twenty-first section of the act of Congress of June 26, 1898, (30 Stat., 495), is as follows:

M. P., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of James Cowen, Chester Cowen, Nancy Jane Rowley, Nathan Cowen, Luster Cowen, Daniel Cowen, William Rowley, James M. Pointer, Lola Pointer, Margaret Pointer, Willie Pointer, Lacy J. Pointer, Jewell V. Pointer, George Corban Pointer, Mary Phillips, Leroy Phillips, Maudie Phillips, Lacy Phillips, Jennie Phillips, Ernest Phillips, Pearl Phillips, William R. Pointer, Johnnie V. Pointer, Otis Pointer, Johnathan Cowen, Celia Quick, Joe Wilson, Daisy Quick, Frank Quick, Andrew Quick, Vestie Quick, Levie Coldwell and William Coldwell, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Birby
Acting Chairman.

Register.

COPY

M.C.R. 3693

Muskogee, Indian Territory, June 17, 1902.

Mary Phillips,

Sims, Indian Territory.

Dear Madam:-

You are hereby advised that on the 3rd day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Cowen, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

WORTH

James Sims

Acting Chairman

No. 3693

For Identification as a Mississippi Choctaw.

Date OCT -7 1901

Name Mary Phillips

Age 42 Blood don't know

Post Office, Arnon, I. T.

Father; Sam Pointer, d

Mother: Pally " d

Claims through father -

husband William Phillips, w

No claim for husband

Children:

Leroy Phillips, 18

Maudie " 14

Lacy " 13

Jennie " 11

Ernest " 9

Pearl (girl) " 7

Claims for self &

Phillips

Choctaw MCR 3694

Elizabeth A. Royals

See MCR 2692, 2841, 2842
2843, 3649, 3695, 3696, 3697

MCR 3694

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

— 0 —

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Oscar L. Royals, et al.,	"	3695
Lafayette G. Royals, et al.,	"	3696
Stephen C. Royals,	"	3697
Mary A. Peacock, et al.,	"	3649

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 4, 1901.

In the matter of the application of Elizabeth A. Royals for identification as a Mississippi Choctaw.

Elizabeth A. Royals, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Elizabeth A. Royals.
- Q How much Choctaw blood do you claim to have? A My grandmother was an Indian woman.
- Q Was she a full blood Indian? A Yes sir.
- Q Did your grandfather have any Indian blood---her husband? A Not as I know of, he was a white man.
- Q Through which one of your parents do you get your Indian blood? A My father.
- Q Did your mother have any Indian blood? A No sir.
- Q Then how much Indian blood do you claim to have? A One quarter.
- Q How old are you? A I was sixty four the fifteenth of last April
- Q What is your post office address? A Lorena, Texas.
- Q How long have you lived at Lorena, Texas? A I have been living there about eight years.
- Q Where did you live before you lived there? A I was born and raised here in this state, and my children were all born when I left here. Smith County, Mississippi--I was born and raised there.
- Q You lived all your life in Smith County, Mississippi, and over there in Texas at this place Lorena? A Yes sir.
- Q Is your father living? A No sir, he has been dead several years
- Q What was his name? A Frank Womack.
- Q Did he have any Choctaw blood? A His mother was a Choctaw woman
- Q Your answer to that question is "Yes" then, is it? A Yes sir.
- Q How long has your father been dead? A I don't exactly recollect but I think it is about thirty nine or forty years.
- Q How old would he be if he were living now? A I don't know ~~not~~ exactly.
- Q About how old was he when he died? A As well as I can recollect he was about sixty one when he died.
- Q Where did he live during his lifetime? A He lived in Smith county, Mississippi.
- Q Did he live there his entire life? A I don't know what age he was when he came there; I was born there; the Choctaws were living here when he came here.
- Q Where did he come from? A Alabama.
- Q What part of Alabama? A I don't know what part exactly.
- Q Have you no idea at all? A I don't recollect the county exactly now. No sir, I don't know what county. I heard him say he moved over from Alabama.
- Q Did he speak or understand the Choctaw language? A Yes sir, a good deal.
- Q Do you speak or understand it? A I can understand some of it and can speak a little of it.
- Q When did you learn Choctaw? A When I was small when the Choctaws were living here. I had been seeing them a long time after that--after I was born.

Elizabeth A? Royals----2.

Q Do you remember your father's personal appearance--how he looked?

A Yes sir, he was tall, dark skinned man, black hair; he was not grayer much than I am now. He was a tall man, high cheek bones.

Q Do you remember the color of his eyes? A They always said I resembled him; his eyes were black.

Q Did you ever see many half blood Choctaws? A Yes sir.

Q Do you think he looked as if he had as much as one half Choctaw blood? A Yes sir.

Q Did your father own any land here in Mississippi? A Yes sir, he had a claim when he first came. He settled down on Indian land for a great many years and he entered it for \$1.25 an acre government price.

Q When did he come here to this country? A No sir, I don't know the year; it was along before the Indians were carried away from here

Q When he came here did he have any children? A Yes sir, he had four children I think when he came here; he was married twice.

Q You are of the second set of children? A Yes sir.

Q How much older than you is the oldest one of your fullbrethers or sisters? A She is seven years older.

Q Was she born in Smith county? A Yes sir, ever one of the last set was born in Smith county.

Q How long before she was born did your father come to Smith county? A I don't know.

Q Do you know whether he was a recognized member of the Choctaw tribe of Indians here at that time? A Yes sir, he was.

Q What do you mean by recognized? A People knewed that he was.

Q Your understanding is that he was generally understood to have Choctaw blood? A Yes sir.

Q You are sure he spoke and understood the Choctaw language? A Yes sir.

Q Did you ever hear him talk to the full blood Choctaw Indians?

A Yes sir.

Q Did he associate with the Choctaws? A They come there a heap to our house.

Q Did he associate with the Choctaws or with the white people mainly? A He associated mainly with the white people--but he was always a friend to the Choctaws.

Q What I mean by recognized member of the tribe at that time is: Did the Choctaw Indians themselves---the head men of the Nation---recognize him as a member of that tribe? A I don't know sir, I guess they did, but I don't know that.

Q Do you know whether he was recognized by the United States government as a member of that tribe? A No, I don't know that.

Q You say you were here when the Indians were moved out west?

A Yes, I saw them go by droves. I know the man that carried them off--his name was Jack Smith.

Q Your father did not go with them? A No sir.

Q Was he ever out there? A No sir, I don't think he ever left this state.

Q Where was he living at the time your other sister was born? A In Smith county, Mississippi.

Q Did he have any improvements there at that time? A Yes, he had a small farm and a house.

Q That was on the Indian lands? A Yes sir, he just came there and settled there and after while when it had to be entered up he paid for it.

Q He took it under the homestead act? A No, he paid the government price.

Elizabeth A. Royals-----3.

- Q He bought it at the public land sales? A Yes sir.
- Q Where did he go to buy it? A I think it was Augusta, Mississippi.
- Q What county is that in? A I don't know.
- Q Do you know the year he bought that land? A No sir, I was small and don't know.
- Q You heard him say he bought the land at Augusta, Mississippi?
- A Yes sir. He went to the land office after I could recollect and bought a little more that I can remember.
- Q About the time he bought the first land was about the time they moved the Choctaws away? A No sir, it was long before that.
- Q It was before you were born then? A Yes sir.
- Q How much was there in the tract of land he bought first? A He paid for part of it before I was born, and afterwards he paid for more of it.
- Q How much was in the original tract of land that he bought at Augusta? A I don't remember that.
- Q Do you know about how much? A No sir.
- Q Do you know how much an acre he gave for it? A I don't know how much he gave, but I know he didn't homestead any of it.
- Q How much was there in the second tract of land that he bought?
- A I don't know, I was a small girl and didn't ask him.
- Q Was that in Smith county, too? A Yes sir.
- Q Adjoining the first tract? A Yes sir.
- Q How big a place did he have altogether? A I think he had about three hundred acres.
- Q About a half section? A Yes sir.
- Q This land you are sure was not given to him by the government?
- A No sir, he bought it.
- Q How long did he live there on that tract of land? A I don't know how long he lived there, I know he was there when I was born. And I think I was twenty years old when we moved away from there.
- Q Did he sell the land? A Yes, he sold the land and bought another place.
- Q Did he ever draw any money from the government? A If he did, I don't know it.
- Q Here along about that time the government paid out some money among the Indians? A He never got nothing.
- Q You are sure of that? A No sir, he never got anything--no pension or anything.
- Q This was not pension money, but was money paid to the Indians under treaty provisions? A He didn't get any.
- Q Is your mother living? A No sir.
- Q What was her name? A Annie Womack.
- Q Had she any Choctaw blood? A No sir.
- Q White woman? A Yes sir.
- Q Do you remember whether your father and mother were lawfully married? A Yes sir, they were lawfully married.
- Q Did you ever see their license and certificate? A No sir.
- Q Where were they married? A They were married here in Mississippi.
- Q In what county? A I think they were married in Simpson county.
- Q Do you know when it was they were married? A No sir.
- Q How long did they live together as man and wife? A I don't know that, but they lived together until he died.
- Q How many children did they raise? A Eight.
- Q He was married by more than once? A Yes he was married twice--he had four children by his first wife, and by my mother he had eight

Elizabeth A. Royals-----4.

children.

Q What was his first wife's name? A Her name was Rexer Carnon.

Q Did she have any Choctaw blood? A No sir, I don't think she did.

Q Did she die before your father married the second time? A Yes sir.

Q Do you know when she died? A No sir.

Q Do you know where she was buried? A No sir, I don't know where she was buried.

Q How did you get your information as to her being dead? A I had an aunt and cousin that knowed when she died and then the oldest children---the first set of children---could remember it.

Q Where did she die, do you know? A I sort of think she died in this state in Simpson county, but I don't know.

Q Through which one of his parents did your father get his Indian blood? A From his mother.

Q What was her name? A I don't know, I forgot if I ever heard.

Q Did you ever see her? A No sir, she was dead long before I was born.

Q Where did she live during her lifetime? A I don't know that, but I think it was in Mississippi somewhere.

Q Your father came from Alabama? A Yes sir.

Q He was born over there? A I don't know whether he was born there or not.

Q You don't know whether she had a Choctaw name? A No sir, I don't know that.

Q You know nothing whatever about her or where she lived? A No sir.

Q Do you know the name of your father's father? A No sir, I forgot the name.

Q He was a white man, was he? A Yes sir.

Q How old would your father's mother be if she were living now?

A I have an idea, but I can't tell point blank. My mother was some where in seventy when she died, and my father was about six sixty one I think, and I forget how long it has been since she died.

Q Do you know when your father's mother died? A No sir.

Q How do you know she was a full blood Choctaw? A I don't know only as I heard my parents tell me, I don't know only as they have told me, and my people.

Q Are any of those people who have told you that living now? A No sir, I don't think they are.

Q Do you know anyone living who knew your grandmother? A Yes, my sister who has been here, Mrs Lucinda Rogers, who has been here. She knows more about it than I do.

Q Where does she live? A Sharkey county, Mississippi.

Q About how old is she? A About seven years older than I am.

Q She is about seventy one? A Yes sir.

Q Did your sister, Lucinda Rogers ever see your grandmother? A No sir, she was dead before she could recollect, before she could see her.

Q She was here in June, was she not? A I don't know what time, but she was here.

Q What is her middle initial? A I don't think she has got any except Lucinda.

Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians? A I don't know.

It is important in your case that you should furnish proper evidence of the marriage of your father and mother. If you

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see fit to submit this evidence, the commission would be glad to have you submit it within thirty days if possible.

- Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Rankin Royals.
Q Has he any choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A No sir, I have none under twenty one.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of that tribe? A No sir.
Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory on appeal? A No sir.
Q Have you ever made any application of any description prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir, never have.
Q Do you appear before this commission at this time for the purpose of claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western edge of that state. The object of this treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time this treaty was made some of the Indians were anxious to leave this country and go west, while others preferred to remain here, and those who preferred to stay here insisted that provisions be made in the treaty whereby they might be permitted to do so. For the benefit of those preferring to remain here, what is known as the fourteenth article was put into that treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for

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each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of Dancing Rabbit ~~and~~ Creek---Do you think you understand clearly that fourteenth article?

A Yes sir, I think I understand it.

Q You understand now that this fourteenth article was a requirement of those Choctaw Indians who lived here in Mississippi and Alabama in 1830, seventy one years ago, who might desire to remain east of the Mississippi here in what was their old reservation, and they were required to comply with those provisions and they would be then given land here in Mississippi by the government---Do you understand that clearly? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article? A No sir, if they did, I never knowed it.

Q How long before your birth was it that your grandmother and grandfather died--Your father's mother? A I don't know.

Q About how long? A I don't recollect.

Q Did she die before the birth of your oldest sister whom you state is now seventy one years old? A I think she did.

Q So far as you know neither your father nor his mother ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A I don't think they ever did.

Q You don't know whether either of them was at that time, in 1830, a recognized member of the Choctaw tribe of Indians here? A No sir, I don't know.

Q Do you think that in the year 1830, that is seventy one years ago your father lived down in Smith county, Mississippi? A Yes sir, he lived there then.

Q That was about the year your oldest sister was born? A Yes sir, I was born in 1837.

Q Do you think that he owned an improvement there at that time?

A Yes sir, I don't know whether he owned it at that time or not, he was there and settled down on it, and I think it was some time before he bought it. He stayed there.

Q Did he have any improvements there when your oldest sister was born? A Yes sir.

Q What did that improvement consist of? A Just a little small farm.

Q You don't think his mother was living there at that time? A No, sir.

Q Did any of your Choctaw ancestors remove from this old country occupied by the Choctaws here in Mississippi and Alabama to the new country west of the Mississippi river when the main portion of the Choctaw tribe moved there between the years 1833 and 1838?

A No sir.

Q Were any of your Choctaw ancestors ever in the Choctaw nation, in Indian Territory as far as you know? A No sir.

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Q Did any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaws here in Mississippi their intention to remain here in Mississippi and become citizens of the states? A I don't know---they remained here.

Q As to whether they told the agent they wanted to stay here you don't know? A No sir.

Q You never heard of their having done so? A No sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your ancestors ever receive any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty than article fourteen or under the supplement of the treaty? A No sir, if they did, I didn't know it; I never heard of it.

Q You think that none of them ever received any land from the government here in Mississippi? A No sir, I don't think they ever did; I think I would know something of it if they did, and I never heard of it.

Q So far as you know none of them ever received any benefits as Choctaw Indians? A No sir, they never got any.

Q And you don't know of your own knowledge that any of them were ever recognized members of the tribe? A No sir, I don't know that they were.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaw Indians who did in fact signify to him their intention to remain and become citizens under that fourteenth article. On this account, the government at its public land sales here in Mississippi in many instances sold land upon which these Choctaw Indians had improvements and which they supposed they would receive from the government under this fourteenth article. This action of the government in selling the land upon which they lived and which they supposed they would eventually get, occasioned a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government and they had been deprived of it, and had in fact received no benefits under this fourteenth article. These Commissions were duly appointed by the President and they came here to Mississippi and started in upon this work, and another act of Congress was passed and approved on the 22nd day of February, 1838, providing for the continuance of this Commission until the first day of August, 1838. In the time allowed them by the original

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act of Congress of March 3rd, 1837, and the act of February 22, 1838, they were unable to dispose of but a comparatively small number of these cases, and of course it became necessary for Congress to make provision whereby the remainder of these Indians who had not been given a hearing before this Commission might be given hearings to their rights. So Congress passed another act which was approved on the 2nd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work of hearing these Choctaw claimants. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a great many of these cases.

Q Do you know whether any of your ancestors appeared before either one of these Commissions and attempted to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I don't think they did.

Q Your father did not have any Indian name, did he? A His name was Frank Womack.

Q That is the only name he ever had? A Yes sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government and he had never received any benefits under that fourteenth article, he should be entitled to select in lieu thereof other land in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip under this act of Congress? A My father had something he called scrip a long time ago.

Q Did you ever see that scrip. A I saw it and recollect hearing him talk of it.

Q Do you know what became of it? A No sir.

Q Do you know where he got it? A No sir.

Q Do you know how he came to get it? A No, I just know he had it in his trunk. As far back as I know, my brother had it, and he is dead now.

Q That might perhaps be of importance in your case if you could locate those old papers? A I will try and see if I can.

Q You don't know anything about that scrip, how he came by it or what it was? A No sir; he always had it in his trunk and wouldn't let anybody bother it.

Q Have you any witnesses here today that you want to have testify?

A Yes sir, Rebekah Ann Waters.

Q Where does she live? A Her home is in Sharkey county, Mississippi.

Q How old is she? A I don't know her age exactly.

Q What do you expect to prove by her? A I expect to prove what I have told you; she knowed my father---saw him and knowed ix him; and that he looked like he had Indian blood and was always counted that way.

Q Does she know whether your father or any other of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know whether she does or not.

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Q Do you know any one living who would likely know whether any of your ancestors ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of Dancing Rabbit creek or ever received any benefits there under? A No sir.

Q Have you any written evidence of any description that you desire to offer at this time? A No sir.

Q Do you know of the existence of any written evidence of any description that would show or tend to show that any of your ancestors ever complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you desire permission to offer any written evidence at a later date? A Yes sir.

The Commission will allow you a reasonable time in which to offer proper written evidence in support of this application. We would be glad however if you find it convenient to do so for you to offer this evidence within thirty days. It may be sent to the Commission here at Meridian, Mississippi. If you find other witnesses whose testimony you desire to introduce in support of your application, these witnesses may appear before the Commission here at Meridian at any time before the tenth of this month, or after that time if you should see fit to offer the testimony of witnesses they may appear before the Commission at its office in Atoka, Indian Territory, within a reasonable time and their testimony will be taken.

Q Are there any further statements you desire to make in support of your application? A No sir.

Q I believe you said you had some sons here before the Commission today? A Yes sir.

Q What are the names of those sons? A Oscar L. Royals.

Q About how old is he? A He is about twenty three I think.

Q Is he married? A Yes sir.

Q What is his wife's name? A Mary.

Q Has she any Choctaw blood? A No sir.

Q Have they any children? A He has one child.

Q What is that child's name? A Vander.

Q A boy? A Yes sir.

Q How old? A He is not quite two years old, I don't think.

Q Were you present at the marriage of your son and his wife? A No sir.

Q Where were they married? A In Texas.

Q At what place? A Waco.

Q When? A They have been married about two years ago, I don't recollect it exactly.

Q Have they lived together continuously since that time? A Yes sir.

Q Do you know who performed the marriage ceremony? A No sir.

Q Do you know whether they were married under a license? A Yes sir.

Q What is the next son who is here? A Lafayette G. Royals.

Q He is here today? A Yes sir.

Q About how old a man is he? A About twenty one.

Q Is he married? A Yes sir.

Q What is his wife's name? A Mary.

Q Has she any Choctaw blood? A No sir.

Q Where does this boy live? A In Texas.

Q What place? A Near Lorena.

Q Has he any children? A He has two.

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- Q What are their names? A Peeler.
Q How old is he? A Two years old, I think.
Q Next one? A A little over a year.
Q What is that one's name? A Joe Henry.
Q Were you present at the marriage of this son? A No sir.
Q Where were they married? A In Texas.
Q When? A I reckon it has been about six years ago.
Q At what place in Texas was he married? A He was married in Gonzales county.
Q Do you know who performed the marriage ceremony? A No sir.
Q You never saw their license? A No sir.
Q What is the name of your next son who is here? A Stephen C.
Q About how old is he? A Twenty one---I expect the oldest one is about thirty three.
Q And then what would that put the next one, Lafayette? A About twenty eight or twenty nine, and I think the youngest one is about twenty three.
Q Is Stephen married? A No sir.
Q Where does he live? A His home was in Texas, I don't know whether he will go back or not. He was born and raised here in Smith county.
Q Have you any other children? A I have one daughter who lives here that has made application.
Q What is her name? A Mary Ann Peacock.
Q About how old is she? A I don't recollect her age exactly--about thirty six.
Q Is her husband living? A Yes sir.
Q Do they live together? A Yes sir.
Q What is his name? A Ford Peacock.
Q Has he any Choctaw blood? A Not that I know of.
Q Have they any children? A Yes sir.
Q How many children have they? A Five, I believe.
Q What is the name of the oldest one? A Buck is the oldest one.
Q How old? A I don't know his age exactly.
Q Is he grown? A Yes sir, he is just about grown; I don't think he is quite twenty one.
Q Next one? A Mamie, a little girl.
Q What is the next one? A Annie.
Q Next one? A Lizzie.
Q Now the next one? A Bannels is a part of his name; I don't know whether he has any other name or not.
Q That is all of her children? A Yes sir.
Q Have you any other daughter living? A No sir.
Q Have you any deceased daughters? A Yes sir, I have two daughters dead.
Q Did either of them leave families? A Yes, one left two children.
Q What was her name? A Her name was Mattie E. Brooks.
Q Was she married more than once? A No sir.
Q When did she die? A She has been dead about two years this October.
Q How old would she be if she were living now? A Twenty seven.
Q What is her husband's name? A Lon Brooks.
Q That Lon I suppose is a contraction of Alonzo? A Yes sir.
Q Where does he live? A In Texas.
Q What place? A Lorena.
Q Did this daughter leave any children? A Left two little girls.
Q Are they living? A Yes sir.

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- Q What are their names? A Eunice May is the oldest and Florence.
Q About how old are these children? A One of them is seven years old and the other five.
Q Do they live with their father? A Yes sir.
Q Has any application been made for them? A No sir.

Their father may appear for them at Atoka, Indian Territory, within a reasonable time.

- Q Have you any other living sons besides these three? A Yes sir, one more.
Q What is his name? A Duncan P. Royals.
Q Where does he live? A Smith county, Mississippi.
Q About how old is he? A He is about forty.
Q Has he been before the Commission? A No sir.
Q Is he married? A Yes sir.
Q Is his wife living? A Yes sir.
Q What is her name? A Her name is Martha E.
Q Has she any Choctaw blood? A No sir.
Q Have they any children? A Yes sir, they have four.
Q What are the names of those children? A The oldest one is John S. the next one is Robert Lee, then Ella and Kate.
Q Are any of these children of age? A No sir, there ain't nary one of age.
Q Were you present at his marriage? A No sir, I was not present but I know he married.
Q Where did he marry? A In Smith county.
Q Was he ever married more than once? A No sir.
Q Was he married under a license? A Yes sir.
Q Did you ever see the license? A No sir.
Q Do you know who married them? A No sir, I don't recollect the name.
Q Have they lived together ever since their marriage? A Yes sir.
Q Do you remember the place they were married? A No sir.
Q Have you any idea when it was--what year? A No sir.
Q Have you any deceased sons? A One dead.
Q How old was he at the time of his death? A Seventeen.
Q You have given us the names of all of your family who are living and those deceased who left families? A Yes sir.
Q Have you any brothers living? A No sir.
Q Did you ever have any brothers? A Yes sir, I had only one brother and two half brothers.
Q What was the name of your full brother? A His name was Frank Womack.
Q How long has he been dead? A He has been dead about a year.
Q How old was he when he died? A He was about sixty seven.
Q Where did he live? A He lived in Hinds county, Mississippi.
Q How long did he live there? A He lived there some ten years I reckon.
Q Where did he live before that time. A Smith county.
Q He never lived out of this state? A No sir.
Q Was he married? A Yes sir.
Q More than once? A No sir, never married but once.
Q What was his wife's name? A Fannie.
Q Is she living now? A I think she is.
Q Did she have any Choctaw blood? A No sir.

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Q Did they have any children? A Yes sir, they had several children, but I don't remember how many they had.

Q Do you remember their names? A I remember some of them.

Q Give us the names of such as you remember? A Lacy, John, Frank, Ella, Sallie, Ollie and Mary.

Q Do you think they are all living? A Yes sir.

Q Where does the oldest one live? A They all live in Hinds county.

Q About how old is the oldest one? A I expect the oldest one is about twenty five.

Q Is she married? A No sir.

Q Are any of them married? A Yes sir, Sallie and Ollie are married.

Q How old is Sallie? A I don't know none of their ages.

Q About how old? A She was the third child.

Q Do you think she is of age? A Yes sir.

Q Do you know her husband's name? A No sir, I don't know who she married.

Q The other one that is married, Ollie, do you know her husband's name? A No sir.

Q You know nothing about them at all? A No sir.

Q Do you know whether any of them have been before the Commission? A No sir.

Q You had two half brothers? A Yes sir.

Q Are either of them living? A They have children living both of them?

Q Were they children of your father by a former husband wife? A Yes sir.

Q What were their names? A John A. and the next one Jesse.

Q How old would John A. be if he were living now? A He was seventy two when he died and he has been dead three or four years.

Q Where did he live? A In North Texas---Wise county. He lived here until after his children had all grown, and moved to Texas.

Q Was he married more than once? A No sir.

Q What was his wife's name? A Elizabeth.

Q Did she have any Choctaw blood? A No sir.

Q Were you present at the marriage of your oldest brother? A No sir.

Q How long did he and his wife live together as man and wife? A Twenty six or twenty seven years.

Q Did they live together until he died? A Yes sir.

Q Were you present at the marriage of this oldest half brother John? A No sir.

Q Where was he married? A At her father's house in Smith county, Mississippi.

Q When? A It has been so long I can't recollect when.

Q Before you married? A Yes along before I was married.

Q Do you know whether he was married under a license? A Yes, of course, they were.

Q Do you know who married them? A No, don't know who married them.

Q Did they live together until one of them died? A Yes until she died, and he never married again.

Q How many children did John have? A I would have to count them up.

Q Do you remember their names? A Mameel.

Q How old is he? A I don't know.

Q Where does he live? A He was in Texas last I heard of him.

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- Q What place? A I don't know.
- Q Is he married? A No sir.
- Q How old would you think he is now? A I expect he is about forty five.
- Q Do you know whether he has been before the Commission? A No sir I don't think he has.
- Q What is the name of the next one of John's children? A Frank.
- Q About how old is he? A I guess he is forty four.
- Q Is he married? A Yes sir, he is married.
- Q Where does he live? A Wise county, Texas, asfar as I know.
- Q Has he any children? A I don't know how many children he has.
- Q Do you know his wife's name? A No, I never saw her.
- Q You know nothing about his family? A No sir.
- Q What is the name of the next one of John's children? A Jesse.
- Q Is he living? A Yes sir.
- Q How much younger than Frank is he? A About two years.
- Q Where does he live? A In Texas I think, but I don't know where he lives--in Horton county last I heard from him.
- Q Is he married? A Yes sir.
- Q Do you know his wife? A No sir.
- Q Do you know her name? A No sir.
- Q You know nothing whatever about his family? A No sir.
- Q What is the next one of John's children? A Willie was the next one--he is dead.
- Q How old was he when he died? A I don't know.
- Q Was he grown? A No.
- Q What is the next one? A Polly.
- Q Is she living? A Yes sir.
- Q Is she married? A Yes sir, she lives in Mississippi.
- Q Where? A Ellisville.
- Q What county? A Jones county, I think.
- Q Do you know her husband's name? A His name was Joseph Hill.
- Q Has he any Choctaw blood? A No sir.
- Q Is he living? A No sir, he is dead.
- Q About how old is Polly? A I guess she is somewhere in thirty.
- Q Has she any children? A Yes sir, she has a lot of children but I don't know their names.
- Q Do you know any of their names? A Luther is the oldest boy.
- Q Next one? A I don't believe I recollect any of the rest of their names; she has seven or eight children; the oldest daughter was named Betty.
- Q Do you know whether Polly has been before the Commission? A No sir I don't think she has.
- Q What is the name of the next one of John's children? A That is all.
- Q What is the name of your other half brother? A Jesse.
- Q About how old would he be if he were living now? A I expect he would be about seventy two or seventy three.
- Q How long has he been dead? A I don't know exactly how long he has been dead.
- Q About how long? A He was a soldier in the ^{civil} ~~next~~ war and died then.
- Q Did he leave a family? A Yes sir, he left three children but the oldest one died.
- Q Did the oldest one leave a family? A No, died young.
- Q Was Jesse's wife a white woman? A Yes sir.
- Q Was he married more than once? A No sir.
- Q What was his wife's name? A Rachel Boykin.

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Q Where did he live? A In Smith county, Mississippi.
Q Were you present at his marriage to Rache l Boykin? A Yes sir.
Q Were they married under a license? A Yes sir.
Q Where? A At her father's in Smith county, my half brothers John and Jesse married sisters.
Q When was that marriage? A I don't remember the year.
Q Who performed the ceremony? A I don't recollect who performed it.
Q Are those two children living? A Yes sir, the last I heard of them.
Q Where do they live? A In Texas, I forget what county.
Q What were their names? A John and Lizzie.
Q About how old would John be if he were living now? A Thirty seven or thirty eight.
Q Is he married? A Yes sir.
Q Do you know his wife's name? A His wife was Sallie Anderson.
Q Has she any Choctaw blood? A No sir.
Q Have they any children? A Yes sir they have several children, but I don't know their names.
Q Do you know whether John Womack had been before this Commission?
A If he has, I don't know it.
Q Is Lizzie married? A Yes sir.
Q What is her husband's name? A Abbey Anderson-- brother to her brother's wife.
Q Has he any Choctaw blood? A Not as I know of.
Q Have they any children? A Yes sir, they have some children, but I don't know how many.
Q Do you know anything about that? A No sir.
Q Were you present at John's marriage to this Anderson woman?
A No sir.
Q How long did they live together? A I don't know.
Q Did you ever have any half sisters? A Yes sir, I had two.
Q Did they leave families? A Yes, they left families, but they are all scattered and gone.
Q Do you know the names of any of their children? A Yes sir.
Q What was the name of your oldest half sister? A Emily.
Q Whom did she marry? A Edward VanLandt.
Q How many children did they have? A About--I don't know exactly how many children she had--they moved to Texas when I was small.
Q Did Van Landt have any Choctaw blood? A No sir.
Q You know nothing about those children of hers? A No sir.
Q Do you know their names? A I know the names of some of them? And the oldest one was Sarah Ann--a girl.
Q Next one? A Alfred.
Q Next one? A Malinda.
Q Next one? A Lillie.
Q Next one? A A boy named John.
Q Next one? A I think that is the last one.
Q How long ago did they go to Texas? A Thirty years ago I reckon.
Q You never have seen them or known anything about them since that? A No sir.
Q Do you know where they live? A In East Texas somewhere, I think in Trinity county.
Q Do you know whether any of the girls are married? A I think they are all married, but I don't know their names.
Q What is the name of your next half sister? A Frier.
Q How old would she be if she were living now? A I expect she would be along about eighty.

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- Q Was she married more than once? A No sir, she didn't marry but once.
- Q What was her husband's name? A Harris Floyd.
- Q Did he have any Choctaw blood? A No sir.
- Q Did they have any children? A Yes sir, they had several children but I don't know the names of but two or three of them.
- Q What are their names? A Sam and Everett are the boys' names and I don't know what the girls' names were.
- Q Where did they live? A In Simpson county, Mississippi, until she died.
- Q Where did they live after that---the children? A I don't know.
- Q Do you know where they are now? A No sir.
- Q Have you any own sister living? A Yes sir, Lucinda Rogers.
- Q She is the sister you have already testified about? A Yes sir.
- Q Has Lucinda any children? A Yes sir she has three.
- Q Are they living? A Yes sir---one is dead; I recollect those that are living but I don't recollect the one that is dead.
- Q What are the names of those that are living? A Jefferson, Edna and John.
- Q Your sister never has been married more than once? A No sir.
- Q Is Jefferson married? A Yes sir.
- Q Where does he live? A In Sharkey county.
- Q About how old is he? A I don't know his age--along in thirty.
- Q Has he been before the Commission? A Yes sir, his mother has been here.
- Q Has Jefferson been here? A I don't think he has been here himself.
- Q What is his wife's name? A I don't know his wife's name.
- Q You don't know her at all? A No sir, and I don't know anything about his children.
- Q Are the other children married? A Yes sir.
- Q What is the name of Edna's husband? A Jake Austin.
- Q Has he any Choctaw blood? A I don't think he has.
- Q Have they any children? A I don't think they have any.
- Q How old is this girl? A I don't know she is next younger than Jeff.
- Q Has she been here? A No sir, Austin has been here with his wife's mother.
- Q What is the name of the wife of the youngest child, John? A I don't know her name, they live in Vicksburg.
- Q Have they any children? A I don't know anything about John's family.
- Q You don't know if they have been here or not? A No sir.
- Q Or whether the oldest boy, Jefferson, was lawfully married? A No but I guess they were.
- Q Do you know? A No sir.
- Q You have not seen them since they were married? A No sir, I have not lived around them.
- Q Have you any deceased sisters? A Yes sir.
- Q How many? A Two.
- Q Did either of those sisters leave a family? A One of them did.
- Q What is the name of the one who left a family? A Sarah.
- Q When did she die? A She died before the war, but I don't recollect what year.
- Q About how old would she be if she were living now? A She would be about sixty six.

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- Q What was her husband's name? A Frank Boykin.
Q Was she married more than once? A No sir.
Q Did her husband have any Choctaw blood? A No sir.
Q How many children did she have? A Four, they are all dead but one.
Q Where did she live during her lifetime? A Smith county.
Q You think all of those children are dead but one? A Yes sir.
Q What is the name of the one that is living? A Miranda.
Q Did any of those children that are dead leave families? A I think they all left children.
Q Do you know anything about those children? A No sir.
Q Where does Miranda live? A She was in Texas last I heard of her.
Q Is she married? A She has been married three times, she is a widow now.
Q Did she have any children? A She had four children.
Q Do you know their names? A No sir.
Q You have given the names of all of your living brothers and sisters and half brothers and half sister, and all of those deceased brothers and sisters or half brothers and half sisters who left families?
A Yes sir, I think I have.

It is apparent from the personal appearance of this applicant that the white blood predominates. She claims to be one quarter Choctaw. She has high cheek bones, dark skin, dark eyes, straight black hair slightly mixed with gray. She speaks a few words of Choctaw and understands their meaning, but cannot converse in the Choctaw language.

REBECCA WALTERS, called as a witness on behalf of applicant, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Rebecca Walters.
Q How old are you? A Sixty eight.
Q What is your post office address? A Catobings, Mississippi.
Q What county? A Sharkey county, Mississippi.
Q How long have you lived there? A Sixteen years.
Q Where were you born? A Born and raised in Smith county, Mississippi.
Q Have you any Choctaw blood? A No sir.
Q Are you related in any way to this applicant? A Not as I know of only she is my sister in law.
Q Her husband is your bother? A Yes sir.
Q Are you interested in any way in the outcome of this application?
A No sir, not at all.
Q You are well acquainted with the applicant Elizabeth A. Royals?
A Yes sir.
Q How long have you known her? A Ever since I was a small girl.
Q Where did you first become acquainted with her? A Smith county, this state.
Q How long did she live in that county? A She has lived there all her life until the last four or five years she lived in Texas.
Q She was born in Smith county? A Yes sir.

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- Q Have you known her ever since her birth? A Yes sir.
- Q Has she any Choctaw blood? A Some she gets from her father.
- Q How much Choctaw blood do you think she has? A They said he was one half.
- Q Did her mother have any Choctaw blood? A No sir.
- Q She was a white woman? A Yes sir.
- Q You were acquainted with her father were you? A Yes sir.
- Q Where did he live? A Smith county, Mississippi.
- Q What was his name? A Frank Womack.
- Q Do you know how long he lived in Smith county? A No sir.
- Q Do you know how old he was when he went to Smith county, Mississippi? A No sir, I was very young and very small and don't know
- Q Do you know how old he was when he came there or where he came from? A No sir.
- Q Did he live there until his death? A Yes sir.
- Q When did he die? A He died sometime in 1861 or 1862.
- Q During the civil war? A He was not in the civil war.
- Q He died while the war was going on? A Yes sir.
- Q Do you remember his personal appearance? A Yes sir.
- Q About how old a man was he when he died? A He must have been along about seventy or something like that; he was pretty old.
- Q Describe his personal appearance as well as you can? A He was tall, with coarse features and black eyes, and black hair, and very tall and large.
- Q What color skin did he have? A Dark.
- Q Would you think he had as much as one half Choctaw blood from his appearance? A Yes sir, I think he did; he resembled them very much in every way.
- Q Have you lived among the Indians much? A Yes sir, I did until they were carried off.
- Q Do you think you can tell from the looks of a person when they have as much as one half Choctaw blood? A Yes sir, they show it right smart.
- Q Did he speak or understand the Choctaw language? A Yes sir, I suppose he could; but I know in reason that he could because all the old people could talk that.
- Q Not necessarily those that had Choctaw blood, but you mean all the white people that lived among the Indians at that time could speak it? A Yes sir.
- Q Could you speak it? A Some words I can.
- Q Did you know his father or mother? A No sir.
- Q Do you know where they lived? A No sir.
- Q You never knew anything about them? A No sir.
- Q Do you know through which one of his parents he got his Indian blood? A From his mother I believe.
- Q Do you know what her name was? A No sir.
- Q What makes you think it was through his mother? A I have heard his children say so.
- Q Did the father of this applicant ever own any land in Mississippi? A I can't tell whether he did or not; he lived on a home there; it might have been public land; he owned a little home of some sort.
- Q You remember that place do you? A Yes sir.
- Q How much land was there in that tract? A I cannot tell you.
- Q In what year were you born? A In 1834.
- Q Do you know whether he ever got any land from the government? A No sir, I couldn't tell you.
- Q Or whether he ever received any benefits of any kind from the government as a Choctaw Indian? A No sir.

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Q Do you know whether he was a recognized member of the Choctaw tribe of Indians here at that time? A Nothing more than that he claimed he had Choctaw blood.

Q But he was not recognized by the Indians themselves as a member of the tribe? A I can't tell you --I was too young.

Q Do you know whether he owned this place in 1830--that is four years before you were born? A No sir, I can't tell.

Q How long did he live on this place? A I can't tell you that, a good many years though.

Q A good many years after you were born? A Yes sir.

Q As many as ten years do you think? A I might have been that long.

Q Do you remember when he left the place? A He lived on it until he died.

Q Was that the same place he had lived on from your birth? A No, sir, I don't think it was.

Q Do you know how he came in possession of the land? A No sir, it might have been public land or he might have bought it--I am suppose the land all belonged to the Choctaws then.

Q You heard me explain to the applicant about the treaty of 1830 or the treaty of Dancing Rabbit between the government of the United States and the Choctaw tribe? A I didn't hear it to understand it.

Q Did you ever hear of that treaty before? A I don't know as I have. I reckon I have read it.

That treaty was made in 1830 between the government of the United States and the Choctaw tribe on the 27th day of September 1830. That was four or five years before you were born. At that time, the Choctaws lived all through this country in Mississippi and over on the western edge of Alabama. The object of that treaty was to get the Indians to move out west of the Mississippi river to a new country part of which is now occupied by the main portion of the tribe. When the Indians made this treaty some of them were unwilling to remove to the new country west of the Mississippi river and for the benefit of those that wanted to remain here, the fourteen article was put into that treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of 1830 or the treaty of Dancing Rabbit Creek--do you know whether the father of

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this applicant or any other of her ancestors ever complied or attempted to comply with the provisions of this fourteenth article?

A No sir.

Q You understand that fourteenth article, do you? A Yes sir.

I don't believe you clearly understand me yet--The requirements of this fourteenth article were requirements made of these Choctaw Indians seventy years ago--they were required to do those things at that time.

Q What I want to get at is whether any of her ancestors or fore-parents complied with the provisions of this treaty by letting the agent know within six months after the treaty was ratified-----

A I understand you, but I can't tell whether they did or not.

Q You don't know anything about that? A No sir, that is too far back.

Q So far as you know, none of her ancestors were ever recognized members of the Choctaw tribe of Indians? A No sir.

Q And none of them ever received any benefits as such? A No sir.

Q Do you remember when they moved the Choctaws out from this country west of the Mississippi river? A Yes sir, for my father was one of them men that helped to take them out.

Q What was your father's name? A Frances Royals.

Q Did any of the ancestors of this applicant move out west to the new country at the time the Choctaws moved out there? A No sir, I don't think they did.

Q You are sure her father remained here? A I am sure he did, and died here.

Q He didn't associate with the Indians much--he associated mostly with the white people? A I reckon he did with the Indians---everybody did in those days.

Q He associated with them like all the white people did at that time? A Yes.

Q Do you know whether he claimed any land from the government of the United States under the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or whether any other of her ancestors did? A I suppose some of them did, I don't reckon they did though that far back.

Q When you say you suppose they did, you mean some of the present generation that are appearing before the Commission now? A Yes, away back there at the time the Indians left this country none of the people owned any land.

Q You think that none of her people then made any claim to land from the government? A No sir.

Q The government at that time paid out some money to the Indians here in Mississippi--you heard about that didn't you? A I can't say that I did.

Q Did you know whether any of her people got any ^{money} from the government at that time? A I don't think they did, if they had got any I would have heard something of it.

Q Do you remember when some Commissioners came down here from Washington representing the government along in the early forties, hearing the so Choctaw cases--they represented the government at Washington and came down here in 1841, 1843 and 1845 and heard some of these Choctaw cases? A I don't recollect anything about it.

Q Do you know whether any of her people went before these Commissioners? A I don't know anything about that; I don't think they did

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Q Do you know whether they appeared before the Commission that was appointed in 1837? A No sir, I was very young then. But I don't think they did.

Q Do you know the names of all of the children of this man Prank Womack the father of this applicant? A Yes sir.

Q Give the names of all of them? A John, Jesse and Exer--a girl. Those are his children by his first wife.

Q Did he have any other children by his first wife? A If he did I never saw them. His children by his second wife were Lucinda, Elijah, Frank, he is dead; Aurelia and Sallie, she is dead.

Q That is all the children he had? A Yes sir.

Q The first three were by his first wife? A Yes sir.

Q What was his first wife's name? A I don't know she died before I can recollect.

Q Did she have any Choctaw blood? A They said she had; they said she was a full blooded Choctaw.

Q You have understood that Prank Womack's first wife was a full blood Choctaw? A Yes.

Q How did you get that information? A My his oldest daughter by his last wife.

Q This applicant this morning did not know it--she thought his first wife was a full blooded white woman? A Her oldest sister told me that his first wife was a full blooded Choctaw.

Q Were you acquainted with his second wife? A Yes sir.

Q What was her name? A Annie Thornton.

Q She had no Choctaw blood? A No sir.

Q Do you know whether they were lawfully married? A No sir.

Q They were married before you were born? A Yes sir.

Q Do you know where they were married? A No sir, married in Smith county, I guess.

Q How long did they live together as man and wife? A As long as he lived.

Q Do you know anything about the children by his first wife--whether they are living or dead or anything about them? A I think they are dead.

Q Do you know? A I know some of them are dead.

Q Which ones? A The boys, John and Jesse.

Q Did they leave families? A Yes, away in Texas.

Q Do you know anything about them? A No sir.

Q Do you know the name of John's wife? A Yes, Betsy Boykin and Jesse married Rachel Boykin---they married sisters. They were both my schoolmates.

Q Do you know the names of John's children? A Yes sir, I think I know their names.

Q Give them please? A The oldest one is named Mancel; Alexander, Frank and Polly--a girl.

Q Do you know anything about the marriage of John and his wife?

A I didn't see them married, but they married in the settlement where I was living. I knew they were married.

Q At what place were they married? A At her father's, uncle John Boykin's place in Smith county.

Q Do you know when they were married? A No sir.

Q How long did they live together? A They lived together as long as they lived; I know John is dead, I don't know whether she is dead or not.

Q Do you know anything about his children? A No sir.

Q Were you present at the marriage of Jesse and his wife? A No sir, but I didn't live more than a mile from where they were married.

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- Q You know they were lawfully married? A Yes sir.
- Q Do you know who married them? A No sir, I don't know who married them.
- Q Where were they married? A They were married at her father's ka house in Smith county.
- Q Do you know how long they lived together? A They lived together as long as he lived.
- Q Do you know Jesse's children's names? A Yes, the oldest one is a girl named Margaret, then Lizzie and John.
- Q When did they leave here? A It has been about twenty three or twenty four years ago.
- Q Were the children grown when they left here? A John Womack was and I believe Jesse's was too.
- Q Were any of them married? A I couldn't tell you.
- Q Do you know anything from them since they went to Texas? A No sir, I don't know whether any of them are married or not.
- Q Is Exer living? A No sir, I think she is dead.
- Q Where did she die? A I think she died in Simpson county / Mississippi.
- Q How old would she be if she were living now? A I couldn't tell --she would be very old.
- Q Did she leave a family? A I think she left a small family, I don't know for certain.
- Q What washer husband's name? A Harris Floyd.
- Q Do you know the children's names? A No sir, I don't believe she left any children.
- Q You never have heard of them since her death? A No sir.
- Q Did Floyd have any Choctaw blood? A No sir, if he did, I don't know it.
- Q Are any of the brothers of this applicant deceased? A Yes one brother that is dead.
- Q What was his name? A Frank.
- Q When did he die? A Last spring.
- Q Where was he living? A Hinds county, Mississippi.
- Q How old was he when he died? A I reckon he must have been away along in forty or near fifty.
- Q He was not as old as you? A No sir.
- Q He left a family? A Yes sir.
- Q Do you know their names? A No, I know his wife's name, but I don't recollect the children's names.
- Q What was his wife's name? A Fannie Daniels.
- Q Did she have any Choctaw blood? A No sir.
- Q Were you present at their marriage? A No sir, but they were married close by me.
- Q When? A It has been about thirty five years ago that he married.
- Q He must have been more than forty when he died? A He might have been, but he was just a young man.
- Q Do you know who married them? A No sir.
- Q How long did they live together? A As long as he lived, and he died this past spring.
- Q She didn't have any other brothers? A No sir.
- Q Has she any sisters living? A Got one living.
- Q What is that sister's name? A Lucinda Rogers.--She has been here this year.
- Q Where does she live? A Sharkey county, Mississippi.
- Q How much older than you is she? A She is two or three years older than me.
- Q What is her husband's name? A Jack Rogers.

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Q Has he any Choctaw blood? A No sir.
Q Has she any children? A She has three.
Q What are their names? A Jefferson, Edna and John.
Q Is Jefferson living? A Yes, all of her children are living.
Q Where does he live? A Sharkey county.
Q Is he married? A Yes sir.
Q Has he been before the Commission? A I don't know.
Q What is the name of Jefferson's wife? A His wife is dead.
Q What was her name? A A Miss Wiggins.
Q Has he any children living? A He has two.
Q What are their names? A I don't know the boy's name, the girl's name is Fannie.
Q Were you present at Jefferson's marriage? A No sir.
Q Where did he marry? A Smith County, I think; no, in Sharkey.
Q Was he married more than once? A No sir.
Q How long did he live with his wife? A He lived with her about sixteen or seventeen or eighteen years.
Q Until she died? A Yes sir.
Q Are any of his children married? A No sir.
Q Is Edna married? A Yes sir.
Q What is her husband's name? A Austin.
Q Full name? A I don't know his full name.
Q Where do they live? A Vicksburg.
Q Has she been before the Commission? A I don't know whether she has or not--her husband came here.
Q Has he any Choctaw blood? A No sir.
Q Have they any children? A They have two little ones.
Q Do you know their names? A No sir.
Q Is this youngest boy, John, married? A Yes sir.
Q What is his wife's name? A I don't know.
Q Do you know whether they have any children or not? A Yes, they have some children.
Q Do you know their names? A No sir.
Q Did this applicant ever have any other sisters? A Yes she had one--her name was Sallie.
Q Did she leave a family? A Yes, but they are scattered and gone and I don't know whether they are living or not.
Q Do you know their names? A Nly, Lucinda, Miranda, and Emily.
Q Do you know anything about these children---where they are?
A No, there is one in Sharkey county, and one went to Texas and I don't know what became of her since she went.

(Witness Examined).

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in all all proceedings had in the above entitled cause on the 4th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 8th day of October, 1901.

H.C. Risteen

[Signature]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, October 5, 1901.

In the matter of the applications of Elizabeth A. Royals, Oscar L. Royals, LaFayette G. Royals and Stephen C. Royals, for identification as Mississippi Choctaws.

Rankin K. Royals, having been first called and duly sworn as a witness in behalf of the above named applicants, upon his oath testified as follows:

Examination by the Commission.

What is your name? A Rankin K. Royals.

Q How old are you, Mr. Royals? A In my sixty-fourth year.

Q What is your post office address? A Has been Lorena, Texas for this year.

Q What will it be in the future? A It may be here - it may be in Smith County, my old residence, or part of the time here, and may be some of the time in Texas. Me and the old lady is old, and have been dragging after the children for the last few years.

Q Have you any Choctaw blood? A No sir, none that I have ever heard of.

Q You appear here this morning for the purpose of testifying in behalf of Elizabeth A. Royals, Oscar L. Royals, La Fayette G. Royals and Stephen C. Royals, in the matter of their applications for identification as Mississippi Choctaws, do you? A Yes sir, as far as I know.

Q What do you want to say in behalf of their claims? A Well, that they are our legal children; me and my wife were lawfully married according to law, and I knew my father-in-law, Mr. Womack.

Q What relation are you to Elizabeth A. Royals? A She is my wife.

Q And these other three applicants who appeared here yesterday, are the sons of yourself and Elizabeth A. Royals? A That's correct, yes sir.

Q Now, go ahead and give your statement, whatever you want to say? A She was a daughter of Mr. Frank Womack, and as to the mixed blood, or cross, I know nothing of it at all of my own knowledge, but what the family said. I heard, I reckon it was his oldest boy, John A. Womack, I heard him speak of it, but I couldn't say exactly as to how much, but from his appearance, features, every way, you would be satisfied, perhaps, that he was half; some have said half. I don't know.

Q You are well acquainted with the father of this, your wife, Frank A. Womack? A Yes sir; after I was a yearling boy, he was a tolerably old man, I forget how old, but he was grown, and if I know, his youngest child was a right smart yearling before I knew about him. We lived a right smart - four miles from my father, and the Indians were all around there.

Q What county was it they lived in? A Smith County, Mississippi.

Q When you were a boy, then, perhaps ten or twelve years old,

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he was a comparatively old man? A Yes sir, I was acquainted with my wife and her young sisters before they were grown yearlings.

Q I wish you would describe the personal appearance of Frank Womack as near as you can? A My father-in-law?

Q Yes sir? A He was a tall man, large bony man, high cheek bones, very black eyes, black hair, tall man. He was dark for a white man. I knew him, I don't know how long, from the time I was a child until he died; I was at his burying.

Q When did he die? A If my memory serves me right, it was the second year of the war that broke out in sixty and he died along then some time; I know the war was going on; I was at home and at his burying.

Q Did he own any land in Smith County then? A He did when I was about grown, he owned some, but I don't know whether he bought it; men in them days didn't seem to want a large tract; I don't think he owned but a small tract, but after I was grown and married, well not to my second wife - this is my second wife, the men there come but didn't stir up, and he taken in some more land; I don't know any of the crowd - my father and other neighbors went with him to the land office.

Q Where? A Land office at Augusta, Mississippi.

Q He bought some land there at the public land sales? A yes sir, he entered some land there, he taken for an adjoining farm that was there about, I suppose that must have adjoined his farm. He owned some land, and stayed on that old place until after the war closed and he sold that land, I don't know what he got for it, but he bought a negro boy with part of it; the negro is living yet; he was a yearling. He was old and couldn't work much, and he had one son by his second wife, and he moved down near his son, John; it was near right in my neighborhood, and he put him up a house and stayed there. He wanted to stay at home; I don't know what he paid for it, but he bought a small place, bought it when I was quite a lad, and he remained there until he died, and I was there at his burial at the time of the war.

Q Do you know whether he was ever a recognized member of the Choctaw tribe of Indians? Do you understand what I mean by recognized member? A Recognized as a Choctaw Indian?

Q By the Indians themselves, and by the authorities, the Indian officials, and the head-men? A I don't know that I could say that he was.

Q Do you know whether he ever received any benefits whatever as a Choctaw Indian? A If he did, I never heard it.

Did he ever receive any land in Mississippi from the United States Government as a Choctaw Indian? A If he did, I never heard of it. I don't think he did.

Q Do you know where he got this first tract of land that he lived on? A No sir, I don't know whether he bought it from someone else, or entered it.

Q You never heard him say he got that from the Government under the treaty of Dancing Rabbit Creek? A No sir, I don't know that I ever heard him mention it at all.

Q Did you ever hear of him getting any money from the Government of the United States? A I did not.

Q You understand this fourteenth article of the treaty of

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Dancing Rabbit Creek, don't you? A No sir, I don't think I do.

Q Didn't you hear me explain it several times to the members of your family? A Yes sir.

This treaty was made on the 27th day of September 1830, between the United States Government and the Choctaw tribe of Indians. The Indians lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to secure their removal to a new country west of the Mississippi River, but at the time the treaty was made some of them were unwilling to go out there, and they insisted that provision be made in the treaty whereby they might be permitted to remain here, and for the benefit of those who wanted to stay here, this fourteenth article was put in the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be over ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of Dancing Rabbit Creek; you understand that do you? A Yes sir.

Q Did any of your wife's ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A Not that I know of; I never knew it or heard of it.

Q Did any of your wife's ancestors ever live in Indian Territory? A Not that I know of.

Q Did her father, Frank Womack, who, according to your testimony, must have been living here in Mississippi, in 1830, when this treaty was made, move out to the new country west of the Mississippi, when the main body of the tribe went there, between 1833 and 1838? A No sir he never went when they went; he stayed here until he died.

Q Did he, or any one of your wife's ancestors, within six months after the ratification of this treaty of Dancing Rabbit Creek, signify to the United States agent for the Choctaws here in Mississippi, their intention to remain here in Mississippi and become citizens of the States? A I don't know that either.

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Q Did he or any other of your wife's ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I never heard of it.

Q Did he, or any of her ancestors, ever receive any land here in Mississippi from the Government of the United States under any other article of the treaty of Dancing Rabbit Creek than that fourteenth article or under the supplement to that treaty? A If they did I never heard of it.

Q So far as you know, none of your wife's ancestors were recognized members of the Choctaw tribe of Indians were they? A No, I couldn't say that they were, though the Indians that lived among them recognized them as a cross blood kind.

Q But the tribal officers and head-men of the tribe, they were not recognized by them as members of the tribe? A If they was, I don't know it.

Q So far as you know, none of her ancestors ever received any benefit whatever as Choctaw Indians? A No sir.

Q You heard my question yesterday to your sons and your wife about these acts of Congress that were passed in 1830 and 1842, and about those commissions coming down here and hearing the Choctaw cases at that time? A I have heard talk of it.

Q You heard me tell them yesterday? A Yes sir.

Q Do you know whether any of your wife's ancestors appeared before either of those commissions and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of; if they ever did, it is more than I ever heard of.

Q Did any of them ever receive any scrip from the Government under the act of Congress of August 23, 1842? A If they did, it never came to my knowledge; my wife said something yesterday about her father getting some scrip; he was a soldier once, and she couldn't explain to me whether it was a land warrant as a soldier's pension, and that may have covered that latter piece of land he got.

Q Are there any further statements you want to make Mr. Royals? A No sir, I don't think there is. They just neglected to call on me and introduce me where, and he thought best for me to show you where they got the white folks from.

Q Mr. Royals do you know anything about the marriage of your wife's father or mother? A No sir, I don't, only he was living with his second wife, which is my wife's mother.

Q How long did they live together? A Until he died; he died first.

Q And raised how many children? A I don't remember; they raised a good big bunch.

Q Nothing further you think of to say? A I think not.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in this cause on October 5th, 1901, and that the foregoing is a full, true and correct translation of his stenographic notes in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 8th day of October, 1901.

R. S. Streit

[Signature]
Notary Public.

COPY.

4

off
Cov.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Elizabeth A. Royals,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Elizabeth A. Royals	M.C.R. 3694
Lucinda M. Rogers	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen C. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649.

D E C I S I O N

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Elizabeth A. Royals for herself; by Lucinda M. Rogers for
herself; by Jefferson Rogers for himself and his three minor chil-
dren, Fannie, George Washington and Chester Roy Rogers; by John A.
Rogers for himself and his three minor children, Robert G., Hilda
C. and Julia M. Rogers; by Edna M. Austin for herself and her two

minor children, Edna K. and Rogers V. Austin; by Oscar L. Royals for himself and his minor child, Vanier Lee Royals; by Lafayette G. Royals for himself and his two minor children, Peeler and Joe Henry Royals; by Stephen C. Royals for himself; and by Mary A. Peacock for herself and her five minor children, Buck G., Mamie, Annie, Elizabeth and Reynolds F. Peacock, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Phoebe Womack (or Wormack), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States

Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Phoebe Womack (or Wommack), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions duly authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Roy Rogers, John A. Rogers, Robert G. Rogers, Hilda G. Rogers, Julia M. Rogers, Edna M. Austin, Edna M. Austin (2), Rogers V. Austin, Oscar L. Royals, Vander Lee Royals, Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen G. Royals, Mary A. Peacock, Bunk G. Peacock, Marie Peacock, Annie Peacock, Elizabeth Peacock and Reynolds F. Peacock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tame Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 13 1903

Muskogee, Indian Territory, October 26, 1901.

Garrett & Garrett,

Attorneys at Law,

Waco, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you state that you recently addressed to the Commission to the Five Civilized Tribes, Atoka, Indian Territory, a package containing a number of affidavits in support of the citizenship claims of the Royals family who appeared before the Commission as applicants for identification as Mississippi Choctaws at Meridian, Mississippi, October 3, 1901.

You now desire to be informed if such papers have been received by this Commission.

Replying to your inquiry you are informed that on October 14, 1901, this Commission received four copies of the affidavits of Francis M. Boykin, J. M. Rogers, Ed Wmack, George W. Boykin and Mary Reynolds to be filed in each of the following cases of applicants for identification as Mississippi Choctaws:

No. 3694, Elizabeth A. Royals,
3695, Oscar L. Royals,
3696, Lafayette G. Royals,
3697, Stephen G. Royals.

5462

These papers were on October 14, 1901, filed in each of the above cases and the same will receive the consideration of the Commission in the disposition of the claims of these persons for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

M.C.R.3694
M.C.R.3695
M.C.R.3696
M.C.R.3697

Muskogee, Indian Territory, November 1, 1901.

Garrett A. Garrett,

Attorney at Law,

Waco, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 30, 1901, in which you ask to have copies of the affidavits of Mrs. Mary Reynolds and J. M. Rogers, which you state were offered for filing in support of the Royal claims, numbers 3694 to 3697, inclusive, made and forwarded to you.

In reply to your letter you are advised that the affidavits of Mrs. Mary Reynolds and J. M. Rogers are among those on file in support of the applications for identification as Mississippi Choctaws of Minabeth Royals and her children. The Commission can not supply copies of affidavits which have been filed in support of applications for identification as Mississippi Choctaws, but if you will send some reputable stenographer to the office of the Commission at Muskogee, Indian Territory, he will be permitted to make copies of such papers as you may desire to use in these cases.

Yours truly,

COPY.

Muskogee, Indian Territory, February 13, 1903.

Elizabeth A. Royals,
Lorena, Texas.

Dear Madam:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth A. Royals, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette O. Royals, et al.,	M.C.R. 3696
Stephen O. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Roy Rogers, John A. Rogers, Robert G. Rogers, Edna C. Rogers, Julia M. Rogers, Edna

M. Austin, Edna M. Austin (2), Rogers V. Austin, Oscar L. Royals, Vander Lee Royals, Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen C. Royals, Mary A. Peacock, Buck G. Peacock, Mamie Peacock, Annie Peacock, Elizabeth Peacock, and Reynolds F. Peacock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article, fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Yours truly,

Tame Bixby.

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, February 13, 1903.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth A. Royals, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen G. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Roy Rogers, John A. Rogers, Robert G. Rogers, Hilda G. Rogers, Julia M. Rogers, Edna M. Austin, Edna M. Austin (2), Rogers V. Austin, Oscar L. Royals, Vander Lee Royals, Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen G. Royals, Mary A. Peacock, Buck G. Peacock, Mamie Peacock, Annie Peacock, Elizabeth Peacock and Reynolds F. Peacock, as Choctaw Indians entitled to rights in the Choctaw land under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification

as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamr Dixie
Acting Chairman.

COF

Muskogee, Indian Territory, March 2, 1903

The Honorable

The Secretary of the Interior

Sir:

There is transmitted herewith the record in the consolidated case of Elizabeth A. Royals, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 13, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2698
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen G. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

W. B. DIXBY

Wm Bixby

Chairman

Through the
Commissioner of Indian Affairs
1 inclosure: MCR 3694.

Land
15,000-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

March 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Elisabeth Royals for herself; Lucinda M. Rogers for herself; Jefferson Rogers for himself and his three minor children, Fannie, George Washington and Chester Roy Rogers; John A. Rogers for himself and his three minor children, Regert G., Hilaa C. and Julia M. Rogers; Edna M. Austin for herself and her two minor children, Edna M. and Rogers V. Austin; Oscar L. Royals for himself and his minor child Vander Lee Royals; Lafayette G. Royals for himself and his two minor children, Peeler and Joe Henry Royals; Stephen C. Royals for himself; Mary A. Peacock for herself and her five minor children, Buck G., Mamie, Annie, Elizabeth and Reynolds F. Peacock, wherein a decision adverse to the applicants was rendered by the commission on February 15, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Phoebe Womack and Frank Womack, who, it is claimed, were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the date of making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of the ancestors through whom they claim did not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

An examination has been made of the records of this office and it is discovered that the names of Phoebe Womack and Frank Womack do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and that I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed) A. C. TONKER,
Acting Commissioner.

(E.B.H.)
P.

D.C.11661-1903.
I.T.D.3080-1903.
L.R.S.

C O P Y
J.W.H.
F.H.E.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

April 20, 1903.

Commission to the Five Civilized Tribes,

Muskegee, Indian Territory.

Gentlemen:

March 2, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Elizabeth A. Royals (M.C.R.3694), for herself; of Lucinda M. Rogers for herself; of Jefferson Rogers for himself and his three minor children, Fannie, George Washington and Chester Roy Rogers; of John A. Rogers, for himself and his three minor children, Robert G., Hilda C., and Julia M. Rogers; of Edna M. Austin for herself and her two minor children, Edna M. and Roger V. Austin; of Oscar L. Royals for himself and his minor child, Vander Lee Royals; of Lafayette G. Royals for himself and his two minor children, Peeler and Joe Henry Royals; of Stephen C. Royals for himself; and of Mary A. Peacock for herself and her five minor children, Buck G., Mamie, Annie, Elizabeth and Reynolds F. Peacock, including your decision of February 13, 1903, denying their applications.

The eldest applicants in this case are Elizabeth A. Royals and Lucinda M. Rogers, who were born in Smith county, Mississippi, the former in 1837 and the latter in 1868. That county has been their home for many years. They obtained their Indian blood from their father, Frank Wommack, who was an one-half blood Choctaw. It seems that he was born in Alabama about the year 1802; that he removed to Mississippi and settled upon Indian lands in Smith county, and that in 1833 he held a small farm upon which was a house. Soon afterwards he purchased of the Government at a public land sale at Augusta, Mississippi, an adjoining tract, which in connection with his former holding, made a farm of about a half section.

It also appears that he held scrip, which he obtained from the Government. It does not appear, however, that said scrip was issued by virtue of the provisions contained in article 14 of the treaty of September 27, 1830, or that the land purchased by him was paid for with said scrip.

Frank Wommack was the son of a white man named Jesse Wommack who married a full blood Choctaw woman named Phoebe. The other applicants in the case are the descendants of the said Elizabeth A. Royals and Lucinda M. Rogers.

While the testimony recited above shows that the ancestors of these applicants were possessed of Choctaw blood, and that they lived in the old Choctaw Nation in Mississippi, it is not suffi-

cient to show that said ancestors in any way complied or attempted to comply with the provisions of article 14 of the treaty of 27, 1830, or that they took advantage of the acts of Congress of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

As the records of the government in your possession as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts, the Department is of the opinion that these applicants have failed to establish their claims.

Reporting in the matter March 18, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and said decision is affirmed.

Respectfully,

(Signed) THOS RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 3694.

COPY

Muskogee, Indian Territory, April 30, 1903.

Elizabeth A. Royals,

Lorena, Texas.

Dear Madam:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth A. Royals, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

SIGNED,

James I. [unclear]
Chairman.

N.O.R. 5694.

COPY

Muskogee, Indian Territory. April 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth A. Royals, et al., of which decision you were advised by mail on the 13th day of February, 1903.

Respectfully,

(Signed)

Tamm D. B.
Chairman.

Under in reply to the following:

MB
M C R 3994

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

W.H.A.

Muskogee, Oklahoma, June 12, 1909.

Mr. John R. Moore,
Coalgate, Oklahoma,
Sir:

You are hereby notified that the Secretary of the Interior, on May 28, 1909, held that the consolidated Mississippi Choctaw case of Silas Sharpe, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Thorpe
Acting Commissioner.

AB

REF TO M. Q. R. 3694

Elizabeth A Royals
et al

Consolidated Case

Emily Womack,
married
Edward Van Gaudt

Sarah Ann Van Gaudt
Alfred Van Gaudt
Melinda Van Gaudt,
Lillie Van Gaudt
John Van Gaudt

Ever Womack
married
Harrie Floyd

Sam Floyd
Everett Floyd

John A Womack, Dead
wife
Elizabeth Womack

Marcel Womack
Frank Womack
Jesse Womack
Polly Womack
married
Joseph Hill, Dead

Luther Hill
Betty Hill

Frank Womack, Dead
married

① Ever Cannon, w. f. b. Dead

② Annie Thornton, w. Dead

Jesse Womack, Dead
married
Rachel Boykin, white

John Womack
married
Sallie Anderson
Lizzie Womack
married
Abbey Anderson

Frank Womack, Dead
married
Fannie Daniels

Lucy Womack
John Womack
Ella Womack
Sallie Womack
Ollie Womack
Mary Womack

^{mcr 2682}
 Lucinda M Womack, 68, 1/2
 married
 John M. Rogers, w

^{mcr 2800}
 Jefferson D Rogers, 39, 1/8
 married
 Addie B. Elliott, dead
^{mcr 2801}
 John A. Rogers, 37, 1/2
 wife
 Julia Rogers
^{mcr 2802}
 Edna M Rogers, 29, 1/2
 married
 J. B. Austin w

^{mcr 2803}
 Fannie Rogers, 15
 George Washington Rogers, 14
 Chester Roy Rogers, 7
^{mcr 2804}
 Robert G. Rogers, 6
 Hilda C. Rogers, 3
 Julia M Rogers, 1 1/2
^{mcr 2805}
 Edna M. Austin, 5
 Rogers V. Austin, 1 yr 6 mo.

Sarah Womack, dead
 married
 Frank Boykin

Ely Boykin
 Miranda Boykin
 Lucinda Boykin
 Emily Boykin

Frank Womack, 1/2 dead
 married

① Exer Cannon, w or f 6. Dead
 ② Annie Thornton, w. Dead

^{mcr 3694}
 Elizabeth W Womack, 64, 1/2
 married
 Raakin K Royals, w

Duncan P. Royals, 1/2
 wife
 Martha E Royals,

John S. Royals
 Robert Lee Royals
 Ella Royals
 Kate Royals

^{mcr 3695}
 Mary A Royals, 38, 1/2
 married
 Ford Peacock, w

^{mcr 3696}
 Buck G. Peacock, 19
 Mammie Peacock, 11
 Annie Peacock, 9
 Elizabeth Peacock, 5
 Reynolds F Peacock, 7

^{mcr 3695}
 Oscar L Royals, 32, 1/2
 wife
 Mollie Royals,

^{mcr 3695}
 Vander Lee Royals, 22 mos

^{mcr 3696}
 Lafayette G. Royals, 21, 1/2
 wife
 Mary Jane Royals,
 Mattie E. Royals, dead

^{mcr 3697}
 Peeler Royals, 3
 Joe Henry Royals, 1
 Eunice May Brooks, 7
 Florence Brooks, 5

^{mcr 3697}
 Alonzo Brooks w
 Stephen C. Royals, 23, 1/2

29

No. 3694

For Identification as a Mississippi Choctaw.

Date OCT 4 1901

Name Elizabeth A. Royals.

Age 64

Blood 1/4

Post Office, Lorena, Texas

Father: Frank Womack

Mother: Ammie

"

Claims through father
husband

Rankin Royals
(No claim for husband)

Children:

(Claims for self only)

Stenographer

A. K. K. K.

Choctaw MCR 3695

Oscar L. Royals

See MCR 3694

MCR 3695

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 4th, 1901.

In the matter of the application of Oscar L. Royals for the identification of himself and one minor child as Mississippi Choctaws.

Said Oscar L. Royals, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Oscar L. Royals.
Q How much Choctaw blood do you claim to have? A One-eighth, from what I have been taught.
Q About how old are you? A Thirty two.
Q What is your postoffice address? A Lorena, Texas.
Q How long have you lived at Lorena? A About nine years.
Q Where did you live before that? A Smith County, Mississippi.
Q How long did you live there? A Lived there all my life-born there-until I went to Texas..
Q Is your father living? A Yes sir.
Q What is his name? A Rankin K. Royals.
Q Has your father any Choctaw blood? A Not that I know of.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth Ann Royals.
Q Has she any Choctaw blood? A Yes sir.
Q Where does she live? A She lives in Texas.
Q What place? A Lorena.
Q How much Choctaw blood has your mother? A One fourth.
Q How old is she? A About sixty-four, I guess.
Q Is she the identical Elizabeth ~~Ann~~ Ann Royals who appeared here this morning? A Yes sir.
Q Where was she born? A Born in Smith County, I guess.
Q Mississippi? A Yes sir.
Q How long has she lived in Texas? A She has been in Texas off and on for five or six years; she lived in Mississippi one year and then went back to Texas.
Q How long did she live in Smith County before she moved to Texas? A All her life.
Q Born and raised in Smith County, Mississippi? A Yes sir.
Q Has she ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or by the United States authorities? A Not that I know of.
Q She never lived out there? A No sir.
Q Through which one of her parents did she derive her Choctaw blood? A Her father.
Q What was his name? A Frank Womack.
Q Did you ever see Frank Womack? A No sir.
Q How old would he be if he were living now? A I couldn't tell you that, I don't know.
Q How much Choctaw blood did he have? A One-half, that is what I have been taught.
Q Where did he live? A Smith County, Mississippi.
Q All his life? A As far as I know, he did.
Q Do you know whether he was a recognized member of the Choctaw Tribe of Indians? A No sir, I don't know that.

Q What was your mother's mother's name? A Annie Thornton.
Q Did she have any Choctaw blood? A Not that I know of.
Q Were your mother's father and mother lawfully married? A I don't know; I suppose they was.
Q You don't know anything about it at all? A No sir.
Q How many children did they raise? A I couldn't tell you for certain.
Q Did they raise a big family? A Yes sir, tolerable big family.
Q As many as eight do you think? A I guess there was.
Q You don't know how long they lived together as man and wife? A No sir.
Q Through which one of his parents did your mother's father derive his Choctaw blood? A From his mother.
Q What was her name? A I don't know that.
Q Do you know his father's name? A No sir, I don't know that.
Q You know nothing whatever of your grandparents on your mother's side? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Mollie Royals.
Q Has she any Choctaw blood? A No sir.
Q You make a claim for her? A No sir.
Q Have you any children? A One.
Q What is that child's name? A Vander Lee Royals.
Q Boy? A Yes sir.
Q How old? A Twenty-two months.
Q Is that the child of yourself and Molly Royals? A Yes sir.
Q Have you ever been married more than once? A No sir.
Q Has she ever been married more than once? A Yes sir.
Q Has she any children by her first husband? A No.
Q Did her first husband have any Choctaw blood? A Not that I know of.
Q Is he living? A No sir.
Q He died before you married her? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q Where? A Waco, Texas.
Q When? A Three years ago in August.
Q Have you that license with you at this time? A No sir, I have at home.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Mollie. We will be glad to have you furnish that within thirty days from this date if you can.

Q This application then is for yourself and one minor child?
A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.
Q Did you in the year 1898 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 18, 1898? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?
A No sir.

Q Have you ever made any application of any description prior to this time to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir, that is what I am here for.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek clearly? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaw Indians occupied a portion of the State of Mississippi and a small portion of Alabama, along the western edge of the State. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians and known as the Choctaw Nation and Chickasaw Nation right north of the north Texas line. At the time this treaty was made some of the Indians were unwilling to remove from this country to the new country and insisted that provision be made in the treaty whereby they might be permitted to remain here. For the benefit of those preferring to remain here the 14th article was put into the treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to ~~an~~ a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjourn the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that? A Yes sir, I understand the way you call it over to me.

Q You understand then the requirements of that 14th Article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Oscar L. Royals et al---4

Q What one of your ancestors was living here at the time this treaty was made-71 years ago? A My grandfather I guess.

Q Your mother's father? A Yes sir.

Q Where was he living then? A Living in Smith County, Mississippi.

Q Did he own an improvement here at that time? A I don't know whether he did or not.

Q Do you know whether he was a recognized member of the Choctaw Tribe at that time? A No sir.

Q Did he remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Tribe between the years 1833 and 1838? A Not that I know of.

Q Did he remain here until his death? A Yes sir, I suppose he did.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the Agent of the Government for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of your ancestors ever receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement to that treaty? A Not that I know of.

Q So far as you know, did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir, I don't think they did.

Q Were any of your ancestors ever recognized members of the Tribe? A I don't know that.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Indians as might desire to remain here and become citizens of the States. The records of the Government show that that Agent failed to record and report to the Government the names of many Indians who did in fact signify to him their intention to remain and become citizens of the States under this article. On this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed that they would receive from the Government under this 14th article. This action of the Government in selling the land upon which the Indians lived and which they supposed would be eventually theirs, caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had

complied in all respects with the provisions of article 14 of the treaty but that their land had been sold by the Government and that they had been deprived of it and had in fact received no benefits under article 14. This Commission was duly appointed and the Commissioners came down here and another act was passed, approved February 22, 1838, providing for the continuance of the Commission until the first day of August 1838. The Commissioners, in the length of time allowed them under these acts of Congress were able to hear only a comparatively small number of these cases and it became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So, another act was passed by Congress and approved the 23rd day of August, 1842, providing for the appointment of another Commission whose duty it should be to come down here and finish up the hearing of these Choctaw claims. This second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these claims.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty? A Not that I know of.

Q

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government and he had been deprived of it, he should be entitled to select land elsewhere, in lieu thereof, in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government? A Not that I know of.

Q Do you know of anyone living who would likely know as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any witnesses here today? A No sir, not today, none but my mother and my aunt.

Q What is your aunt's name? A Walters.

Q She was a witness here in your mother's case? A Yes sir.

Q You have no other witnesses? A No sir, not here. I can get them.

Q Where do they live? A In Sharkey County, Mississippi.

Q What are the names of these witnesses? A Jack Rogers, Marion Boykin, George Boykin, Ed Womack and Mary Reynolds.

Q Are these all old people? A Yes sir.

Q What is their postoffice address? A All at Hittayama except one and she gets her mail at Rolling Fork.

Q Which one is that? A Mary Reynolds.

Q What do you think you could prove by these witnesses? A I think I could prove what blood my grandfather had in him.

Oscar L. Royals et al---8

Q Do you think you could prove anything else by him? A I could prove that they seen him, my grandfather. I know they would be witnesses.

Q How old is the eldest one of these parties? A I couldn't tell you that.

Q About how old, elder than your mother? A Yes sir, a few years older than my mother.

Q Have you any written evidence you want to offer? A No sir.

Q Do you know of the existence of any written evidence that would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?

A No sir, I don't know as I do.

Q Do you want permiss on to file written evidence later? A I guess that wouldn't be out of place.

You will be allowed a reasonable time in which to file proper written evidence in support of this claim. The Commission, however, would be glad to have you file such evidence within thirty days from this date if you find it possible to do so. If you should see fit to introduce the testimony of further witnesses in support of your application, such witnesses may appear before the Commission at Meridian, Mississippi, at any time prior to October 10th, 1901, and their testimony will be taken. Within a reasonable time after October 10th if you care to introduce further witnesses, they may appear before the Commission at Atoka, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A Three brothers and one sister.

Q What is the name of your oldest brother? A Duncan Pierce Royals.

Q Where does he live? A In Smith County, Mississippi.

Q About how old is he? A He is about forty I guess.

Q Is he married? A Yes sir.

Q Has he been before the Commission? A No sir.

Q Is his wife living? A Yes sir.

Q Has he been married more than once? A No sir.

Q What is his wife's name? A Martha.

Q Has she any Choctaw blood? A Not as I know of.

Q Have they any children? A Yes sir.

Q How many? A Four.

Q What are their names? A John, Robert, Ella and Katie.

Q Were you present at his marriage? A No sir.

Q Where was he married? A In Smith County.

Q When? A It has been fifteen or twenty years ago.

Q Married under a license? A Yes sir.

Q Did you ever see the license? A I saw the license before they were married but haven't seen it since.

Q Do you know where he got the license? A At Raleigh.

Q The County seat of that County? A Yes sir.

Q Do you know who married them? A I don't recollect.

Q Have they lived together continuously since their marriage?

A Yes sir.

Oscar L. Royals et al---7

Q What is the name of your next brother? A Lafayette.
Q How old is he? A He is about thirty or thirty-one.
Q Is he married? A Yes sir.
Q Where does he live? A Stays in Texas where I do.
Q Has he been before the Commission? A No sir.
Q Is he here today? A Yes sir.
Q Is his wife living? A Yes sir.
Q What is her name? A Mary Jane.
Q Has she any Choctaw blood? A Not as I know of.
Q Has he been married more than once? A No sir.
Q Have they any children? A Two.
Q What are their names? A Peeler and Joe Henry.
Q Were you present at their marriage? A No sir.
Q Where were they married? A In South Texas.
Q What place? A Near Rightsborough.
Q When? A It has been five years ago I guess.
Q Have they lived together ever since that? A Yes sir.
Q Do you know whether they were married under a license? A I suppose they was.
Q What is the name of your next brother? A Steve.
Q Is he living? A Yes sir.
Q Is he married? A No sir.
Q How old is he? A About twenty-three.
Q Has he been before the Commission? A No sir.
Q Is he here today? A Yes sir.
Q Have you any deceased brothers? A One.
Q What was his name? A Sidney.
Q How old was he when he died? A Seventeen.
Q Have you any sisters living? A One.
Q What is her name? A Mary Ann Peacock.
Q How old is she? A About thirty-eight-somewhere near that.
Q Where does she live? A Here in Meridian.
Q Has she been before the Commission? A Yes sir, I think she has.
Q Is she married? A Yes sir.
Q Husband living at this time? A Yes sir.
Q What is his name? A Ford Peacock.
Q Has he any Choctaw blood? A Not that I know of.
Q Has she ever been married more than once? A No sir.
Q Has she any children? A Yes sir.
Q How many? A Five living, I believe.
Q What are the names of these children? A Buck, Mary, Lizzie, Reynolds--and I don't know the other.
Q Did you ever have any other sisters? A One.
Q Was she of age when she died? A Yes sir.
Q Did she leave a family? A Left a husband and two children.
Q What was her name? A Mattie.
Q What was her husband's name? A Alonso Brooks.
Q Where does he live? A Lorena, Texas.
Q What are the names of the children? A Eunice and Florence.
Q Has any application been made for them yet? A No sir.
Q Has her husband any Choctaw blood? A Not that I know of.
Q Do you know the names of any of your mother's brothers? A Yes sir.
Q What are the names? A John, Jesse, Frank.
Q Is that all of them? A That is all I know of.
Q Are they all full brothers of your mother? A Two of them are only half.

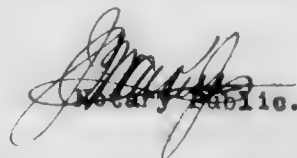
Oscar L. Rayals et al---8

- Q Which ones? A John and Jesse.
Q Are any of these brothers living? A No sir.
Q Has your mother any sisters living? A One.
Q What is her name? A Lucinda Rogers.
Q Has she been before the Commission? A Yes sir, I suppose she has.
Q Where does she live? A Sharkey County.
Q Did your mother ever have any other sisters? A Yes sir.
Q What were their names? A Half sisters were Exer and Julia and her whole sisters were Lucinda and Sarah and Aurelia.
Q The only one living is Lucinda? A Yes sir.
Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a white man- shows no indications of being possessed of Indian blood. He has brown hair, light mustache and brown eyes. His skin is rather inclined to be dark. He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above & titled cause, heard at Meridian, Mississippi, October 4th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 7th day of October, 1901, at Meridian, Mississippi.


Notary Public.

Muskogee, Indian Territory, October 26, 1901.

Garrett & Garrett,

Attorneys at Law,

Vass, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you state that you recently addressed to the Commission to the Five Civilized Tribes, Atoka, Indian Territory, a package containing a number of affidavits in support of the citizenship claims of the Royals family who appeared before the Commission as applicants for identification as Mississippi Choctaws at Meridian, Mississippi, October 3, 1901.

You now desire to be informed if such papers have been received by this Commission.

Replying to your inquiry you are informed that on October 14, 1901, this Commission received four copies of the affidavits of Francis M. Boykin, J. M. Rogers, Ed Wannak, George W. Boykin and Mary Reynolds to be filed in each of the following cases of applicants for identification as Mississippi Choctaws:

No. 3694, Elizabeth A. Royals,
3695, Oscar L. Royals,
3696, Lafayette C. Royals,
3697, Stephen C. Royals.

0 0 0 0

These papers were on October 14, 1901, filed in each of the above cases and the same will receive the consideration of the Commission in the disposition of the claims of these persons for identification as Mississippi Shootaws.

Yours truly,

Acting Chairman.

M.C.R. 3694
M.C.R. 3695
M.C.R. 3696
M.C.R. 3697

Muskogee, Indian Territory, November 1, 1901.

Garrett & Garrett,

Attorneys at Law,

Waco, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 30, 1901, in which you ask to have copies of the affidavits of Mrs. Mary Reynolds and J. M. Rogers, which you state were offered for filing in support of the Royal claims, numbers 3694 to 3697, inclusive, made and forwarded to you.

In reply to your letter you are advised that the affidavits of Mrs. Mary Reynolds and J. M. Rogers are among those on file in support of the applications for identification as Mississippi Choctaws of Elizabeth Royals and her children. The Commission can not supply copies of affidavits which have been filed in support of applications for identification as Mississippi Choctaws, but if you will send some reputable stenographer to the office of the Commission at Muskogee, Indian Territory, he will be permitted to make copies of such papers as you may desire to use in these cases.

Yours truly,

COPY.

M.C.R. 3695

Muskogee, Indian Territory, February 13, 1903.

Oscar Roy Royals,

Lorena, Texas.

Dear Sir:

You are hereby advised that on the 13th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth A. Royals, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna W. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen G. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Ray Rogers, John A. Rogers, Robert G. Rogers, Hilda E. Rogers, Julia G. Rogers, Edna M. Austin, Edna M. Austin (2), Rogers V. Austin, Oscar L. Royals, Vander Lee Royals,

Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen C. Royals, Mary A. Peacock, Buck G. Peacock, Mamie Peacock, Annie Peacock, Elisabeth Peacock and Reynolds F. Peacock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jame Dixie.

Acting Chairman.

Registered.

M.C.R. 3695.

COPY

Muskogee, Indian Territory, April 30, 1903.

Oscar L. Royals,

Lorena, Texas.

Dear Sir :

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elisabeth A. Royals, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

(Signed)

Jame Dixby.
Chairman.

#1430

No. 3635

For Identification as a Mississippi Choctaw.

Date OCT 4 1901

Name Oscar L. Royals

Age 32 Blood $\frac{1}{8}$

Post Office, Lorena, Tex

Father, Rankin H. Royals

L.

Mother, Elizabeth A. Royals

L.

Claims through Mother

wife Mollie Royals

L.

no claim for wife.

Children:

Vander Lee Royals

22mo

(Claims for self and
one child.)

Choctaw MCR 3696

Lafayette G. Royals

See MCR 3694

MCR 3696

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 4th, 1901.

In the matter of the application of Lafayette G. Royals
for the identification of himself and two minor children as Missis-
sippi Choctaws.

Said Lafayette G. Royals, being first duly sworn, testi-
fied as follows:-

Examination by the Commission.

- Q What is your name? A Lafayette G. Royals.
Q How much Choctaw blood have you? A One-eighth.
Q How old are you? A Twenty-nine.
Q What is your postoffice address? A Lorena, Texas.
Q How long have you lived at Lorena? A Three years.
Q Where did you live before that? A I lived in Gonzales County
for five years.
Q Where did you live before that? A State of Mississippi.
Q What County? A Smith County.
Q Did you live there all your life ~~before~~ until you went to Gonzales
County? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Rankin K. Royals.
Q Has he any Choctaw blood? A No sir, he don't claim any.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth Ann Royals.
Q Has she any Choctaw blood? A Yes sir.
Q How much? A One-fourth.
Q Do you get your Choctaw blood solely through your mother? A Yes
sir.
Q Where does your mother live? A She lives at Lorena, Texas.
Q About how long has she lived there? A Well, she lived there
four years and when she made her home in Mississippi a year or so.
She has been living at our home for four or five years.
Q What part of Mississippi did she live in? A Smith County.
Q How long did she live there? A Lived in Smith County ever since
she was born.
Q And lived there until she went out to Texas, five or six years
ago? A Yes sir.
Q About how old is she now? A About sixty-four.
Q Has she ever been in Indian Territory? A Not as I know of.
Q Was she ever recognized in any manner or enrolled as a member of
the Choctaw Tribe of Indians in Indian Territory? A Not that I
ever heard of.
Q Does she speak or understand the Choctaw language? A Very little.
I believe she can understand some Choctaw language.
Q Through which one of her parents did she derive her Choctaw blood?
A From her father.
Q What was his name? A Womack.
Q His full name? A I don't know.
Q Was it Frank? A Yes sir, Frank Womack.
Q Did you ever see him? A ~~Yes sir~~ No sir, I was very small when
he died.
Q How old would he be if he were living now? A I expect he would
be eighty years old or older.
Q Was he an old man when he died? A Yes sir, I suppose sixty
years old when he died.

- Q Do you know where he lived during his life time? A Yes sir, in Smith County.
- Q Did he live there all his life? A I couldn't say he lived there all his life but he lived there during my mother's life time. She was raised there.
- Q How much Choctaw blood did he have? A He was half.
- Q Did he speak or understand the Choctaw language? A I couldn't say that I know he did. I suppose he did.
- Q What was your mother's mother's name? A Ann.
- Q Did she have any Choctaw blood? A No sir.
- Q Do you know anything about the marriage of your mother's father and mother? A No sir.
- Q You don't know that they were legally married? A No sir, I never saw the papers. I suppose they was.
- Q How long did they live together as man and wife? A Ever since they married-until he died. He died first.
- Q How many children did they raise? A I know how many of the second set of children.
- Q How any of the second set? A My uncle Frank, Aurelia, Lucinda and my mother was four. Then there is uncle John, but I believe he was half brother. That is all I can place.
- Q Do you know the names of your mother's father's father and mother, Frank Womack's father and mother? A Well, if I understand right my great-grandfather must have been Frank Womack too. I can't say positive what his given name was.
- Q What was his wife's name? A I don't know.
- Q Do you know where they lived during their lives? A Yes sir, in Mississippi.
- Q Which one of them was a Choctaw Indian? A My great-grandmother.
- Q According to your statement she was a full blood? A Yes sir.
- Q You don't recollect her name? A No sir.
- Q Do you know whether your grandfather ever owned any land here in Mississippi? A He lived on a piece of land a very long time. I am satisfied he owned it.
- Q Do you know how he got it? A No sir, I couldn't say positive.
- Q Where was it? A In Smith County. According to my understanding he bought the piece of land. He entered it from the Government at \$1.50 an acre.
- Q Do you know when that was? A A great many years ago, because her mother was principally raised on that piece of land.
- Q Bought it then before your mother was born? A Must have, before that time.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Mary Jane Royals.
- Q Has she any Choctaw blood? A No sir.
- Q Make any claim for her? A No sir.
- Q Have you any children? A Two.
- Q What are their names? A Peeler.
- Q A boy? A Yes sir.
- Q How old? A Three.
- Q Next one? A Joe Henry.
- Q How old? A One.
- Q Is that all? A Yes sir.
- Q Both of these are the children of yourself and Mary Jane Royals? A Yes sir.
- Q Were you ever married more than once? A No sir.

Lafayette G. Royals et al---3

- Q Was she married more than once? A No sir.
Q Were you married to her under a license? A Yes sir.
Q Where? A Gonzales County, Texas, four miles south of Rightsboro.
Q When? A Eight years ago this past September.
Q Have you your license and certificate with you here? A No sir, I haven't.
Q You have them at home have you? A I haven't got them at home but I can refer to that place and get them.
Q What became of them? A Justice of the Peace Davidson married us and he never returned our license.

It will be necessary, in connection with the application you make for your children, for you to furnish the Commission with proper evidence of your marriage to your wife Mary Jane Royals. If it is possible for you to do so the Commission would be glad to have you furnish this evidence within thirty days from this date.

- Q This application is for yourself and two minor children, is it?
A Yes sir.
Q Is your name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.
Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation in Indian Territory by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No sir.
Q Have you ever made any application of any description prior to today for yourself or either of these children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time for the purpose of making application for the identification of yourself and two minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir, I do, if I understand that article.
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek thoroughly? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At that time the Choctaw Indians lived here in Mississippi and over on the Western edge of Alabama.

The object of that treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to the new country West of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe. At the time the treaty was made some of the Indians were unwilling to remove out to the new country and preferred to remain here in Mississippi and they insisted that provision be made in the treaty whereby they might be permitted to remain here. For the benefit of those desiring to remain here the 14th

article was put into the treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article--do you think you understand that clearly? A Yes sir, I understand that.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know, but I am satisfied that my grandfather did because he was living here at that time. He was half Indian and he needed land and why shouldn't he.

Q You have no evidence whatever that he did? A Not today.

Q Do you know of anyone who would likely know about that? A I could trace them up but they are all dead, may be.

Q Your grandfather was living here, you are sure, in 1830? A Yes sir, he was living in Smith County then.

Q Did he own an improvement at that time there? A I couldn't say positive he did.

Q Was he a recognized member of the Choctaw Tribe at that time--that is--did the Tribe themselves recognize him as a member of the Tribe?

A It seems according to what my mother stated this morning that he got some scrip and if he did--

Q So far as you know was he a recognized member of the Choctaw Tribe at that time? A I couldn't say positive that he was. I believe he was.

Q But you don't know that he was or wasn't? A No sir.

Q Was he ever in Indian Territory? A I don't know.

Q He didn't move out there when the main body of the Tribe moved there between the years 1833 and 1838? A No sir, He didn't go there.

Q Did he remain here until he died? A Yes sir.

Q Did he own any land when he died? A Yes sir, a small piece of land.

Q How much? A I don't know.

Q Do you know where he got that land? A No sir, I couldn't say how he got it any more than I heard my mother say that he either bought it at a public sale or homesteaded it from the Government.

Q You don't know that he ever got any land under this 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q You don't know whether he ever claimed any or not? A No sir, I don't know if he did or not.

Lafayette G. Royals et al--5

Q You have no evidence that he ever did? A No sir.

Q Have you any evidence that he ever received any benefits of any description under this article or under any other article of the treaty? A No sir, I haven't today.

Q You don't now know of the existence of any such evidence? A I have got some evidence I want to put before the Commission.

Q Is it on this particular point? A It is only to sustain that I have Choctaw blood in me.

Q That is not on this particular point, is it? A It might be.

Q You don't know that these witnesses know anything about this particular point, do you? A No sir but I will refer you to the evidence of Mrs. Rogers.

Q She is your mother's sister who appeared here several months ago?

A Yes sir.

Q She is from Vicksburg, isn't she? A Yes sir, about as old a witness as I have, except Mrs. Waters.

Q You never heard of your grandfather ever getting any land here in Mississippi from the Government under any other article of the treaty or under the supplement to the treaty? A No sir.

In accordance with the provisions of the treaty of Dancing Rabbit Creek the United States Government directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain and become citizens of the States under that 14th article and take land. The records of the Government show that that Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain here and become citizens. On this account, The Government, at its public land sales, in many instances, sold land upon which these Indians lived and had improvements and the Indians were deprived of their land. This action of the Government caused a great deal of complaint and dissatisfaction among the Indians because they supposed that this land would be given to them under this 14th article. The matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and investigate and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government and that they had in fact received no benefits under that article. This Commission was duly appointed and they came out here and heard a few of these cases, but in the time allowed them under the act under which they were appointed and the supplementary act approved February 22, 1838, which provided for their continuance, they were unable to hear but a comparatively small number of these cases and it, of course, became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So, another act was passed, approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. These Commissioners were duly appointed by the President and they came down here

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here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear ~~in~~ before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q You never heard of it? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, Alabama, Arkansas or Louisiana, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip under this act of Congress? A I could not say positive they did.

Q You don't know anything about it? A I don't remember. I can only testify to what I have heard about it.

Q What did you hear about it? A I heard my mother testify this morning that her father got some kind of scrip but she did not know what kind it was.

Q That is all you heard? A Yes sir.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians--that is, did they belong to the Tribe and were they recognized by the head men, chiefs, and authorities of the Tribe as members of the Tribe? A I could not say whether they was or whether they wasn't.

Q So far as you know, did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Do you know of anyone living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of anyone I could get who would know that far back.

Q Have you any written evidence of any kind that you want to offer at this time? A No sir.

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?

A No sir.

Q Do you want permission to file written evidence later? A Yes sir I want some affidavits.

You will be allowed reasonable time in which to file proper written evidence in support of this case. We will be glad, however, to have you offer it within thirty days, if you can conveniently do so. If you should see fit to bring any witnesses before the Commission, they may appear before us here at Meridian at any time prior to the 10th of this month. After that date they may appear before the Commission at Ateka, Indian Territory, within a reasonable time and their testimony will be taken.

Q Are there any further statements you want to make at this time?
A The witnesses that I wanted to bring up before this Commission for me are living in Sharkey County, Mississippi, and some of them are very old and I haven't had time to get them here and don't know whether I can get them here or not before you go away. I want to ask the question whether or not the witnesses' affidavits would do.

By the Commission.

We cant say that the affidavits would do as well as the personal attendance for the reason that if the witnesses were personally before the Commission we might be able to develop something in their knowledge which would be important in your case; while, if you were to get up the affidavits, your witnesses not knowing the requirements of the law as well as the Commission is presumed to know them, might not include all the points that are material.

Q Is there anything further you want to say now in support of your application? A No sir.

Q Do you speak or understand the Choctaw language? A Well, I cant say I understand it thoroughly--I could say a few words, may be two or three.

Q You don't speak in the Choctaw language? A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A Duncan P., Oscar L., and Steve.

Q Are any of them here today? A Yes sir.

Q Which ones? A Oscar and Steve.

Q Has Duncan been before the Commission? A No sir.

Q Where does he live? A In Smith County.

Q Have you any sisters living? A Yes sir.

Q How many? A One.

Q What is her name? A Her name is Mary Ann Peacock.

Q Has she been before the Commission? A Yes sir.

Q Where does she live? A In West End, Meridian, Miss.

Q Have you any deceased sisters? A Yes sir.

Q How many? A Two.

Q Did either of them leave a family? A Yes sir, one.

Q What was her name? A Mattie E. Brooks.

Q Is her husband living? A Yes sir.

Q What is his name? A Alonse Brooks.

Q Where does he live? A Lerena, Texas.

Q Have they any children? A Two.

Q What are their names? A Eunice and Florence.

Q Has any application been made for them yet? A No sir.

Q Have you any deceased brothers? A Yes sir.

Q How many? A One.

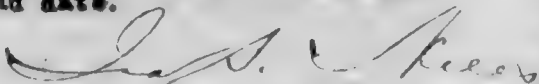
Q How old was he when he died? A Seventeen.

This applicant has the appearance of being a white man; has light hair, eyes and rather dark complexion. He shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

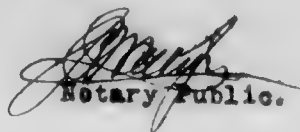
Ira S. Niles, being first duly sworn, states that as stenogra-

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phor to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 4th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 7th day of October, 1901, at Meridian, Mississippi.


Notary Public.

Muskogee, Indian Territory, October 26, 1901.

Garrett & Garrett,

Attorneys at Law,

Waco, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you state that you recently addressed to the Commission to the Five Civilized Tribes, Atoka, Indian Territory, a package containing a number of affidavits in support of the citizenship claims of the Royals family who appeared before the Commission as applicants for identification as Mississippi Choctaws at Meridian, Mississippi, October 3, 1901.

You now desire to be informed if such papers have been received by this Commission.

Replying to your inquiry you are informed that on October 14, 1901, this Commission received four copies of the affidavits of Francis M. Boykin, J. M. Rogers, Ed Womack, George W. Boykin and Mary Reynolds to be filed in each of the following cases of applicants for identification as Mississippi Choctaws:

No. 3694, Elizabeth A. Royals,
3695, Oscar L. Royals,
3696, Lafayette Q. Royals,
3697, Stephen C. Royals.

PAGE 2

These papers were on October 14, 1901, filed in each of the above cases and the same will receive the consideration of the Commission in the disposition of the claims of these persons for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

M.C.R.3694
M.C.R.3695
M.C.R.3696
M.C.R.3697

Muskogee, Indian Territory, November 1, 1901.

Garrett & Garrett,
Attorneys at Law,
Waco, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 30, 1901, in which you ask to have copies of the affidavits of Mrs. Mary Reynolds and J. M. Rogers, which you state were offered for filing in support of the Royal claims, numbers 3694 to 3697, inclusive, made and forwarded to you.

In reply to your letter you are advised that the affidavits of Mrs. Mary Reynolds and J. M. Rogers are among those on file in support of the applications for identification as Mississippi Choctaws of Elizabeth Royals and her children. The Commission can not supply copies of affidavits which have been filed in support of applications for identification as Mississippi Choctaws, but if you will send some reputable stenographer to the office of the Commission at Muskogee, Indian Territory, he will be permitted to make copies of such papers as you may desire to use in these cases.

Yours truly,

Acting Chairman.

COPY:

M.C.R. 3696

Muskogee, Indian Territory, February 13, 1903.

Lafayette G. Royals,
Lorena, Texas.

Dear Sir:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth A. Royals, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen C. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Roy Rogers, John A. Rogers, Robert G. Rogers, Hilda G. Rogers, Julia M. Rogers, Edna M. Austin, Edna M. Austin (2), Rogers V. Austin, Oscar L. Royals,

Vander Lee Royals, Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen C. Royals, Mary A. Peacock, Buck G. Peacock, Mamie Peacock, Annie Peacock, Elizabeth Peacock and Reynolds F. Peacock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby.

Acting Chairman.

Registered.

M.O.R. 3696.

OPY.

Muskogee, Indian Territory, April 30, 1903.

Lafayette G. Royals,
Lorena, Texas.

Dear Sir:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elisabeth A. Royals, et al., of which decision you were advised by registered mail on the 18th day of February, 1903.

Respectfully,

(10-50)

Tams Dixby.
Chairman.

Recommendation as a Mississippi Choctaw.

Date CT 4 1901

Name Lafayette G. Royals

Age 29 Blood 1/8

Post Office, Lorena, Texas.

Father Rankin S. Royals L

Mother Elizabeth A. " L

Claims through Mother
wife Mary Jane Royals L
no claim for wife.

Children:

Peeler Royals 3
Joe Henry " 1

(Claims for self and 2
minor children)

Stenographer

J. S. Nicks

Choctaw MCR 3697

Stephens .C. Royals

3694 (reference)
MCR

MCR 3697

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 4th, 1901.

In the matter of the application of Stephen C. Royals
for the identification of himself as a Mississippi Choctaw.

Said Stephen C. Royals, being first duly sworn, testified
as follows:-

Examination by the Commission.

- Q What is your name? A Stephen C. Royals.
Q How much Choctaw blood have you? A One eighth.
Q How old are you? A Twenty-three.
Q What is your postoffice address? A Meridian, Mississippi, from
now on; I am going to work here.
Q How long have you been in Meridian? A I got here Wednesday
night.
Q You are going to live here now permanently? A Yes sir.
Q Where did you stay before you came to Meridian? A Lorena, Texas;
I went there from Meridian.
Q How long had you been in Meridian then? A I had worked there
about a year.
Q Where had you been immediately before that? A I was in Tusca-
loosa, Alabama.
Q How long were you there? A About seven months.
Q Where were you before that? A I was home in Smith County, Mis-
sissippi.
Q You were born and raised in Smith County, Mississippi, were you?
A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Rankin K. Royals.
Q Has he any Choctaw blood? A No sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth Ann Royals.
Q Has your mother any Choctaw blood? A Yes sir.
Q How much? A She is one-fourth.
Q You get your Choctaw blood solely through your mother? A Yes sir.
Q How old is your mother? A She is sixty-four or sixty-five, I
believe.
Q Where does she live? A She lives in Lorena, Texas.
Q How long has she lived there? A She has lived there this time
one year. She lived there before that three or four years; she has
been backwards and forwards. Mississippi is her native home.
Q What County in Mississippi did she live in? A In Smith County.
Q Was she born in Smith County, Mississippi? A Yes sir.
Q Did she live there all her life before she went to Texas in the
last few years? A Yes sir.
Q How long ago did she first go out there? A About eight years ago.
Q Did your mother ever live in Indian Territory? A No sir.
Q Has she ever been recognized in any manner or enrolled as a mem-
ber of the Choctaw Tribe of Indians in Indian Territory? A No sir.
Q Through which one of her parents did your mother derive her Indian
blood? A From her father.
Q What was his name? A Frank Wemack.
Q Did you ever see him? A No sir.
Q How old would he be if he were living now? A I couldn't tell
you. He died before I was born.

Stephen C. Royals---2

- Q How much Choctaw blood did he have? A He was one-half.
- Q Where did he live during his life time? A Smith County, Mississippi.
- Q Do you know how long he lived there? A No sir, I could^{'nt} tell how old he was when he went away.
- Q Do you know where he went from to Smith County, Mississippi? A No sir.
- Q What was your mother's mother's name? A I cant tell her name.
- Q Did you ever see her? A No sir.
- Q Was she a white woman? A Yes sir.
- Q No Indian blood? A Don't know as there was.
- Q Did your grandfather speak or understand the Choctaw language? A I don't know.
- Q Does your mother? A Well, a few words. Not to amount to much.
- Q Did your grandfather ever live in Indian Territory? A No sir.
- Q Do you know whether he was lawfully married to your mother's mother? A No, I couldn't say.
- Q Do you know through which one of his parents he derived his Choctaw blood? A It was from his mother.
- Q Do you know her name? A No sir.
- Q Do you know his father's name? A No sir.
- Q Do you know where they lived? A No sir.
- Q Do you know anything about them at all? A No sir.
- Q Are you married? A No sir.
- Q This application then is for yourself only, is it? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.
- Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No sir.
- Q Have you ever made any application of any description prior to this time to either the Tribal authorities or to the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and on the edge of Alabama, along the western edge of the State. The object of that treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of

which is now occupied by the main portion of the Choctaw Tribe of Indians. At the time this treaty was made some of the Indians were unwilling to remove out to the new country west of the Mississippi River but insisted on provision being made whereby they might remain here and for the benefit of those desiring to stay here in the old country the 14th article was put into the treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family, or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that 14th article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A If they did, I never heard of it.

Q Were any of your ancestors living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I couldn't say.

Q Did any of your Choctaw ancestors own an improvement here at that time? A I don't know.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here at that time? A I reckon not.

Q Do you know whether they were or not? A No sir, I don't know.

Q Did any of your Choctaw ancestors ever live in Indian Territory? A No sir.

Q Did any of them remove from this country over west to the new country west of the Mississippi River when the main portion of the Choctaw Tribe moved there between the years 1833 and 1838?

A If they did I never heard of it.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States?

A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A I couldn't say.

Q Did any of your Choctaw ancestors ever receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek?

Stephen C. Royals---4

than the 14th article or under the supplement to that treaty?
A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens and take land under that article. The records of the Government show that that Agent failed to record and report to the Government the names of many Indians who did in fact signify to him their intention to remain here and become citizens and on this account the Government, at its public land sales, in many instances, sold land upon which Choctaw Indians lived and which they supposed they would receive from the Government under the provisions of article 14 of the treaty of Dancing Rabbit Creek. This action of the Government occasioned a great deal of complaint and dissatisfaction among the Indians as they supposed they would receive their land under this 14th article, and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here and hear the cases of these Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President and they came down here and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a subsequent act approved on the 22nd day of February 1838, providing for their continuance until August 1st, 1838, they were unable to dispose of but a comparatively small number of these cases and it therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be heard. So, another act was passed and approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these Choctaw cases. This second Commission was appointed by the President and the Commissioners came down here to Mississippi in the early forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, I guess not.
Q Do you know about that? A No sir, I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof other land in Mississippi, Alabama, Louisiana or Arkansas, from vacant

Stephen C. Royals---5

Government land and he should be given a certificate to that effect. These certificates were known as scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under the provisions of this act of Congress?

A No sir, I don't think they did.

Q Do you know whether they did or not? A No sir, I don't know.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A No sir, I don't know.

Q Did any of them ever receive any benefits as such? A Not that I know of.

Q Do you know of anyone living who would likely know as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know.

Q Have you any witnesses before the Commission today whose testimony you want to introduce? A No sir.

Q Is the Elizabeth A. Royals, who appeared before the Commission here this morning as an applicant, your mother? A Yes sir.

Q Have you any written evidence of any kind that you desire to offer at this time? A No sir.

Q Do you know of the existence of any written evidence showing or tending to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?

A No sir.

Q Do you want permission to file written evidence at a later date?

A Yes sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of your application. The Commission will be glad, however, if you would offer that evidence within thirty days from this date if you can possibly do so. If you should find any witnesses whom you want to have give their testimony before the Commission in support of your application they may appear before the Commission at its office in Meridian, Mississippi, at any time before the 10th of this month but if you can't get them here before that time and desire to introduce their testimony, you may cause them to appear before the Commission, within a reasonable time, at the office of the Commission at Atoka, Indian Territory, and their testimony will be taken.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any further statements you desire to make? A No sir, I believe that is all.

Q Have you any brothers living? A Yes sir.

Q How many? A Three.

Q What are their names? A Duncan Pierson Royals, Oscar L. Royals, Lafayette Royals.

Q Have either of these brothers been before this Commission? A Not until today.

Q Which ones appeared here today? A Oscar L., and Lafayette.

Q Have you any deceased brothers? A Yes sir.

Q How many? A One.

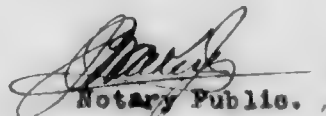
Stephen C. Royals---6

Q Was he of age at the time of his death? A No sir, seventeen.
Q Have you any sisters living? A Yes sir one.
Q What is her name? A Mary Peacock.
Q Where does she live? A She lives here in Meridian.
Q Has she been before the Commission? A Yes sir.
Q Did you ever have any other sisters? A Yessir, One other sister that died.
Q Did she leave a family? A Yes sir, left two little children.
Q Where do they live? A Lorena, Texas.
Q What was that sister's name? A Mattie E. Brooks.
Q What are the names of these children? A Eunice and Florence Brooks.
Q Has any application been made for them? A No sir.
Q Did you ever have any other sisters? A Yes One little girl that died, she died when she was four or five years old.
Q What was her name? A Susie.

This applicant has the appearance of being a white man.
Shows no indications of being possessed of Indian blood.
He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 4th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 9th day of October, 1901,
at Meridian, Mississippi.


Notary Public.

Waskogie, Indian Territory, November 1, 1901.

Garrett & Garrett,
Attorneys at Law,
Waco, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 30, 1901, in which you ask to have copies of the affidavits of Mrs. Mary Reynolds and J. M. Rogers, which you state were offered for filing in support of the Royal claims, numbers 3694 to 3697, inclusive, made and forwarded to you.

In reply to your letter you are advised that the affidavits of Mrs. Mary Reynolds and J. M. Rogers are among those on file in support of the applications for identification as Mississippi Choctaws of Elisabeth Royals and her children. The Commission can not supply copies of affidavits which have been filed in support of applications for identification as Mississippi Choctaws, but if you will send some reputable stenographer to the office of the Commission at Waskogie, Indian Territory, he will be permitted to make copies of such papers as you may desire to use in these cases.

Yours truly,

Muskogee, Indian Territory, February 13, 1903.

Stephen C. Royals,
Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth A. Royals, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen C. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Roy Rogers, John A. Rogers, Robert G. Rogers, Hilda C. Rogers, Julia M. Rogers, Edna

M. Austin, Edna M. Austin (2), Rogers V. Austin, Oscar L. Royals, Vander Lee Royals, Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen C. Royals, Mary A. Peacock, Buck G. Peacock, Mamie Peacock, Annie Peacock, Elizabeth Peacock and Reynolds P. Peacock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 3697.

COPY

Muskogee, Indian Territory, April 30, 1903.

Stephen C. Royals.

Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth A. Royals, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

(S)

W. G. T. Chairman.

3897

For Identification as a Mississippi Choctaw.

Date (1901)
Name Stephen C. Royals

Age 23

Blood $\frac{1}{8}$

Post Office Meridian, Miss.

Father Rankin L. Royals

L

Mother Elizabeth A. Royals

L

Claims through mother

(Claims for self only)

Children:

Choctaw MCR 3698

Docia McKee

See MCR 2385

MCR 3698

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES?
Meridian, Mississippi, October 4th, 1901.

In the matter of the application of Docia McKee for the identification of herself and her six minor children as Mississippi Choctaws.

Said Docia McKee, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Docia McKee.
- Q How much Choctaw blood do you claim to have? A One-eighth.
- Q How old are you? A Thirty-seven.
- Q What is your postoffice address? A Hattiesburg, Mississippi.
- Q What County? A Perry County.
- Q How long have you lived in Hattiesburg? A Three years.
- Q Where did you live before that? A Meridian.
- Q How long did you live here? A Thirteen years.
- Q Where did you live before that? A In Clark County.
- Q This State? A Yes sir.
- Q How long? A I moved from Clark County, Mississippi, here eighteen years ago.
- Q How long did you live in Clark County? A Until I was about twenty years old.
- Q Were you born there? A No, I was born in Jasper County.
- Q How old were you when you moved to Clark County? A About five years old.
- Q You have lived in Mississippi all your life? A I lived in Tennessee one year. I moved from here to Tennessee and from Tennessee to Hattiesburg.
- Q Is your father living? A No sir.
- Q What was his name? A James Rogers.
- Q Did he have any Choctaw blood? A No sir.
- Q Is your mother living? A No sir.
- Q What was her name? A Elizabeth Rogers.
- Q Did she have any Choctaw blood? A Yes sir.
- Q How much? A Well, she was my mother, so we claim one-eighth, that would make her one-fourth.
- Q How old would she be if she were living now? A I really don't know. I think she would be about fifty years old.
- Q How long has she been dead? A Well, I was five years old when she died and I am about thirty-seven.
- Q Where did she live during her life time? A Jasper County.
- Q Was she born in Jasper County, Mississippi? A Yes sir.
- Q Lived there all her life? A Yes sir.
- Q She never was in Indian Territory? A No sir.
- Q Was she ever recognized in any manner or enrolled as a member of the Choctaw Tribe out there? A Not that I know of.
- Q Through which one of her parents did she derive her Indian blood?
- A Her father.
- Q What was his name? A Absalom Reid.
- Q Did you ever see him? A No sir.
- Q About how old would he be if he were living? A I expect he would be nearly 100 years old.
- Q According to your statement he was half blood? A Yes sir.
- Q Where did he live during his life time? A In Alabama and Mississippi.

- Q He died before you were born? A Yes sir.
- Q Do you know what part of Alabama he lived in? A Choctaw, Alabama.
- Q He was born there, was he? A I am not sure but I have always heard they came from there.
- Q Do you know whether he spoke or understood the Choctaw language?
- A No sir, I don't know it. I have heard that he did.
- Q Did he ever own any land here in Mississippi? A Yes sir, he owned a good deal of land.
- Q Where? A In Jasper County.
- Q Do you know where he got that land? A No sir.
- Q Or how he got it? A No sir, not unless he bought it.
- Q How much land did he have? A I really don't know. I know he owned a good deal of land.
- Q Do you know the name of his wife-your mother's mother? A She was Margaret Meeks.
- Q Was your grandfather married more than once? A No sir.
- Q Do you know when and where he and Margaret Meeks were married?
- A In Jasper County.
- Q Do you know when? A No sir.
- Q Do you know whether they were married under a license? A No sir. I feel sure they was.
- Q Have you any evidence that they were? A I haven't got it with me but I can get evidence.
- Q How long had they lived together as man and wife? A I think they lived together forty or fifty years.
- Q How many children did they have? A Sixteen, but they didn't raise them all.
- Q Do you know about when it was that he came to Jasper County?
- A No sir.
- Q Have no idea? A I think he went there when he was quite a young man.
- Q Through which one of his parents did he get his Indian blood?
- A From his father.
- Q What was his name? A I don't know.
- Q His father, according to your statement, must have been a full blood Choctaw? A Yes sir, I think so.
- Q You never saw him? A No sir.
- Q Did you ever see anyone who did see his father? A No sir.
- Q What makes you know that he was a full blood Indian? A Only from hearsay.
- Q Is it a matter of family history? A Yes sir.
- Q Do you know his mother's name? A No sir.
- Q Was she a white woman? A I think she was; I am not sure.
- Q Do you know where his father and mother lived? A I think they lived in Choctaw, Alabama.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Ever been married more than once? A No sir.
- Q What is your husband's name? A William H. McKee.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him? A No sir.
- Q Have you any children? A Yes sir, I have six children.
- Q Are they all living? A Yes sir.
- Q What are their names and ages? A The oldest is Lillian- she is seventeen.
- Q Next one? A Earlie.
- Q How old is he? A Fifteen.

Doeia McKee et al---3

- Q Next one? A Annie May.
Q How old is she? A Twelve.
Q Next one? A Willie Fay.
Q Boy or girl? A Girl.
Q How old? A She is eight.
Q Next one? A Lewis.
Q Boy? A Yes sir.
Q How old? A Six.
Q Next one? A Horace.
Q How old is he? A Four.
Q Is that all? A Yes sir.
Q Are these all the children of yourself and William H. McKee?
A Yes sir.
Q Are they all living with you now? A Yes sir.
Q And they get their Choctaw blood solely through you? A Yes sir.
Q This application then is for yourself and six minor children, is it? A Yes sir.
Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir, not that I know of.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the Tribe? A No sir.
Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for yourself or any of these children to be admitted to citizenship in the Choctaw Nation under the Act of June 10, 1896? A No sir.
Q Have you or any of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No sir.
Q Have you ever made any application of any description prior to this time to either the Choctaw Tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Well, I think I do.

I expect that in order that you may be certain that you understand it clearly it will be better for me to read it to you. The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the main portion of the Tribe. At the time the treaty was made some of the Indians were unwilling to remove to that new country west of the River but insisted on being permitted to remain here, and, for

the benefit of those preferring to remain here in Mississippi, the 14th article was put into the treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you think you clearly understand it now? A Yes sir, I think I do.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article? A I don't think they ever did.

Q Were any of your ancestors living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when that treaty was made? A Yes sir, I think they was.

Q What one? A I think I had an uncle, Ellie Reid, was living here. Then I had an Aunt.

Q What was her name? A Susie Wells. I had two aunts, and the other aunt was Margaret Reid.

Q How old would those people be if they were living now? A I don't know.

Q About how old do you think? A Well, I think Margaret Reid would be 70 ~~was~~ somewhere and Ella Reid I think would be eighty and Susie I think would be probably sixty.

Q That treaty was made 71 years ago and unless she would be 71 years old now she couldn't have been here. They are your mother's brothers and sisters are they? A Yes sir.

Q What about your mother's father--was he living here then? A Yes I don't think he has been dead over fifty years.

Q Do you know where he was living then? A Jasper County, Mississippi.

Q Did he own an improvement there at that time? A Yes sir, he owned land.

Q You are certain that he owned an improvement over 70 years ago, are you? A Well, he owned an improvement when he died.

Q Do you know what year he died? A No sir, I have no record.

Q Do you know whether he died before these Indians were moved out west to the new country, or not? A No sir.

Q Was he a recognized member of the Choctaw Tribe of Indians here at that time? A Well, I don't think he was.

Q He passed as a white man, did he? A Of course he associated with the white people. His father is the one that was with the Tribe, I think.

Q He didn't move out west to the new country when they moved out there between 1833 and 1838? A No sir, I only heard of him being in Alabama and Mississippi. I don't think he was ever out of those two States.

Q Did he or any other of your ancestors within six months after this treaty of Dancing Rabbit Creek was ratified signify to the Agent of the Government here in Mississippi for the Choctaws their intention to remain in Mississippi and become citizens of the States and take land? A Not that I know of.

Q Did he or any other of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of this 14th article of the Treaty of Dancing Rabbit Creek? A No sir, I don't think they did.

Q Did he or any other of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of that treaty of Dancing Rabbit Creek? A No sir, not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an agent here in Mississippi to register the names of such Indians as might desire to remain here and become citizens of the States. The records of the Government show that that Agent failed, in many instances, to record and report to the Government the names of many Indians who did in fact signify to him their intention to remain here and become citizens of the States and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Indians lived and owned improvements and which they supposed they would receive from the Government under this 14th article. This action of the Government of course occasioned a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come here to Mississippi and hear the applications of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their lands had been sold by the Government and they had in fact received no benefits under that article. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi but in the time allowed them by the Act of Congress under which they were appointed and held office they were unable to dispose of but a comparatively small number of cases and it became necessary therefore for Congress to make further provision whereby the remainder of these Indians might be given hearings and another act was passed which was approved on the 25th day of August, 1842, providing for the appointment of another Commission whose duty it was to come down here and finish up the hearing of these cases. That second Commission was

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duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government and he had received no benefits thereunder, he should be entitled to select land in lieu thereof elsewhere in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this Act of Congress? A Not that I know of.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A Well, none but my great-grandfather.

Q Do you know that, he was? A Well, I have always heard that he was.

Q That is just merely a matter of family history and you don't know it of your own knowledge? A No sir.

Q Did any of your Choctaw ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Have you any witnesses before the Commission today that you want to introduce? A Mr. Hyde I believe promised to come up. My other witnesses are in Jasper County. One of them is so old he couldn't come here.

Q What is this witness's name? A Morrison.

Q What is his full name? A I don't know.

Q How old is he? A I don't know that but he is very old. He knew my grandfather.

Q What do you expect to prove by him? A I expect to prove that - all that he knows of it.

Q You just expect him to testify in regard to your family history? A Yes sir.

Q Are there any other witnesses? A Yes sir, there is another witness. When I go to Barnett I will write to him. I have three witnesses down there. Old man Eastman.

Q Where does he live? A He lives in Jasper.

Q What is his given name? A Frank, I think.

Q What are the names of these other witnesses you have referred to? A Old Dr. Olanton.

Q Where does he live? A He is at some Springs somewhere.

Q You don't know where he is then? A No sir.

Q Do you expect to prove by any of these witnesses that any of your ancestors complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't think they ever did receive any benefits.

Q Have you any written evidence of any kind that you want to offer at this time? A No sir.

Deola McKee et al--?

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article M of the treaty of Dancing Rabbit Creek? A No sir, I don't.

Q Do you want permission to offer written evidence at a later date? A Well, Yes, I might get up such evidence.

You will be allowed a reasonable time in which to offer proper written evidence in support of this case. We would be glad, however, if you could offer this evidence within thirty days from the date hereof, if you could conveniently do so. If you find any witnesses that you would wish to have examined in support of your application if you can get these witnesses before the Commission before the 10th of this month we will hear their testimony. After that time you may cause them to appear before the Commission at its office in Atoka, Indian Territory, and their testimony will be taken if they appear within a reasonable time.

Q Do you speak or understand the Choctaw language? A No sir.

Q Are there any further statements you desire to make in support of your application? A No sir, I don't believe that I have.

Q Have you any brothers living? A Yes sir, I have two.

Q What are their names? A Charlie and Sam Rogers.

Q Where does Charlie live? A Near Paulding.

Q About how old a man is he? A Well, he is nearly fifty.

Q Is he married? A Yes sir.

Q What is his wife's name? A Mollie.

Q Has she any Choctaw blood? A No sir, Not that I know of.

Q Where does the other brother live? A Wild Lucia, Louisiana.

Q Is he married? A Well, He was married and his wife died and I don't know where he has married since or not.

Q About how old a man is he? A About forty.

Q Did you ever have any other brothers? A No sir.

Q Have either of these been before the Commission? A The one in Jasper hasn't I know. I don't know about the other.

Q Have you any sister's living? A No sir.

Q Did you ever have any sisters? A Yes sir.

Q How many? A Two.

Q Did either of them leave families? A One of them left two children.

Q The other one left none at all? A Not that I know of.

Q What is the name of the one that left two children? A Gallie Meeks.

Q Are these children living? A I don't know, the last I heard of them they was. That has been four or five years ago.

Q Where were they living then? A In Yazoo City, Mississippi.

Q What are their names? A Jimmie and Ida.

Q Did your mother ever have any brothers? A Yes sir, she had a good many brothers.

Q What are their names? A Tom, Aleck, Ames and Absalom.

Q Any more? A One named Abraham.

Q Their surname was Reid? A Yes sir, they are all dead.

Q Did she have any sisters? A Yes sir.

Q Can you name them? A I can name those who grew up.

Q What are their names? A Margaret Reid.

Q Next what? A Susie Wells.

Q Next what? A Elsie Carroll.

- Q Next one? A Annie West.
- Q Next one? A That is all I know of.
- Q Are any of them living now? A No sir, they are all dead.
- Q Are any of the children of any of them living? A Yes sir.
- Q What was the oldest one's name? A Abigail was the oldest.
- Q Did she leave any children? A Yes sir.
- Q What was her last name? A Abigail Kendrall.
- Q What was her husband's name? A I don't know his given name.
- Q Was she married more than once? A No sir.
- Q How many of her children are living? A I don't know, sir anything about her children at all.
- Q Where do they live? A In Evergreen, Alabama.
- Q You don't know their names or anything about them? A No sir.
- Q The name of the next sister? A Margaret Reid.
- Q What was her husband's name? A Amos Reid.
- Q Did this man Kendrall have any Choctaw blood? A Not that I know of.
- Q Did this man Reid have any Choctaw blood? A I don't know but I think they were second cousins. He might have had.
- Q How many children did Margaret Reid leave? A Not any.
- Q What is the name of the next sister? A Nicey Carroll.
- Q Is her husband living? A No sir.
- Q Did he have any Choctaw blood? A Not that I know of.
- Q Did she leave any children? A Yes sir.
- Q How many? A I don't know.
- Q You don't know anything about them either? A No sir.
- Q Do you know where they live? A No sir. I know where one son lives-at Laurel, Mississippi.
- Q Do you know his name? A He is called Demps Carroll.
- Q About how old a man is he? A He looks to be about forty.
- Q Has he been before the Commission? A Not that I know of.
- Q What is the next sister's name? A Annie West, I think.
- Q Did she leave any children? A No sir.
- Q What is the next sister's name? A Susie Wells.
- Q Did she leave any children? A Yes sir.
- Q How many? A Five children.
- Q Do you know them? A Yes sir, I know them but I couldn't tell you their ages.
- Q What are their names? A The oldest one is Willie Wells/ Fannie, Wilmer, Anna and Johnnie Wells.
- Q Have any of them been before the Commission? A Not that I know of.
- Q What is the next sister of your mother? A That is all.
- Q Did any of your mother's brothers leave families? A Yes sir. Amos Reid left children. I think he has three sons living.
- Q Where do they live? A The last I heard of them, one lived in Wayne County and the other two lived in Jasper.
- Q Do you know their names? A The oldest one is named Willie, the next is named Walter and the next one is Ben.
- Q Are any of them married? A They are all married.
- Q Do you know their wives? A No sir.
- Q Do you know their names? A No sir.
- Q Have they any children? A Yes sir, they have children but I don't know how many or anything about them.
- Q What was Amos's wife's name? A Theny.
- Q Did she have any Choctaw blood? A Not that I know of.
- Q Do you know whether they were lawfully married? A I am sure they was.

- Q How long did they live together? A I don't know.
- Q How many children did they raise? A Those that I gave you the names of. Those three.
- Q Was Amos married more than once? A No sir.
- Q Which died first, he or his wife? A His wife died first.
- Q Did they live together until her death? A Yes sir.
- Q Did any other of her brother leave a family? A Ellie Reid did.
- Q About how old would Ellie be if he were living now? A I don't know, sir.
- Q How many children did he leave? A He left six.
- Q Do you know them? A Yes sir.
- Q Where do they live? A Will Reid lives in Monroe, Louisiana.
- Q Next one? A Mrs. Margaret Rolla lives at Barnett, Mississippi.
- Q Next one? A George Reid-he lives at Meridian.
- Q Next one? A John Reid, he lives at Meridian.
- Q Is that all? A Ap Reid, the last I heard he was in Hattiesburg, Mississippi.
- Q Are they all married? A Yes sir.
- Q Are you acquainted with their families? A Yes sir, I left out Jim, he had a son named Jim-he lives in Clark County.
- Q What is Will's wife's name? A I don't know.
- Q Do you know his family? A He has been married twice-I knew his first wife and her four children but I don't know his last wife.
- Q What was his first wife's name? A Fannie Bentley.
- Q Did she have any Choctaw blood? A I don't know.
- Q Do you know whether they were legally married? A Yes sir.
- Q Were you present at their wedding? A Yes sir.
- Q By whom were they married? A Prof. Phillips, at Shubuta.
- Q What official position did he hold at that time? A He was a kind of school teacher and a preacher.
- Q He was a legally ordained minister, was he? A Yes sir.
- Q Next one? A--What was Margaret Roll's husband's name? A Thomas Rolla.
- Q Has he any Choctaw blood? A Not that I know of.
- Q What is George Reid's wife's name? A Fronie.
- Q Has she any Choctaw blood? A Not that I know of.
- Q Have they any children? A They have one. George has been married before-he has two children.
- Q By his first wife? A He has one by his first wife and one by his present wife.
- Q Were you present at his marriage to his first wife? A Yes sir.
- Q Married under a license? A Yes sir.
- Q Who married them? A I think Phillips married them. They were married in Wayne County.
- Q Is his first wife dead? A Yes sir.
- Q Were you present at his marriage to his second wife? A No sir.
- Q You know nothing about that? A Yes sir, my husband was present.
- Q Where were they married? A Here in Meridian.
- Q Who married them--do you know? A No sir.
- Q Is Jim married? A Yes sir.
- Q What is his wife's name? A Candis.
- Q Has she any Choctaw blood? A No sir.
- Q Have they any children? A Yes sir, they have six children.
- Q Were you present at their marriage? A No sir.
- Q Do you know where they were married? A In Clark County.
- Q Under a license? A Yes sir.
- Q What is the next child's name? A John.

Q What is his wife's name? A Jennie.
Q Has she any Choctaw blood? A None that I know of.
Q Have they any children? A Yes sir.
Q How many? A Four.
Q Were you present at their marriage? A No sir.
Q Where were they married? A In Clark County.
Q Under a license? A Yes sir.
Q The next child is named what? A Ap.
Q What is the name of Ap's wife? A Vick.
Q Has she any Choctaw blood? A Not that I know of.
Q Have they any children? A They have one.
Q Were you present at their marriage? A No sir.
Q Where were they married? A Hattiesburg.
Q Under a license? A Yes sir.
Q Who married them? A The justice of the peace there, I think married them.
Q Now, are there any other of your mother's brothers that left families? A I have given all of them, I believe.

This applicant has the appearance of being a white woman. She does not speak or understand the Choctaw language. She has high cheek bones, dark hair and eyes and a rather dark complexion.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 4th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]* Deputy.

COPY.

M.C.R. 3698

Muskogee, Indian Territory, October 27, 1902.

Docia McKee,

Hattiesburg, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Rawls, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Rawls, et al.,	M.C.R. 2326
James W. Read, et al.,	M.C.R. 1784
George Reid, et al.,	M.C.R. 2384
John S. Reid, et al.,	M.C.R. 2644
Docia McKee, et al.,	M.C.R. 3698
William T. Wells, et al.,	M.C.R. 2626
Marion Wells,	M.C.R. 2781
Fannie Stallings, et al.,	M.C.F. 2788
Anna Padgett, et al.,	M.C.R. 2783
Wilmer Nixon, et al.,	M.C.R. 2782

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Rawls, Ottis Rawls, Herbert Rawls, Estelle Rawls, Don Rawls, James W. Reed, Eddie Reed, Charlie Reed, Pearl Reed, Lucy Reed, Jennie Reed, George Reed, Rubie Reed, George Reid, John Reid, Earl Reid, John S. Reid, Robert D. Reid, Aline Reid, Valera Reid, Erma B. Reid, Docia McKee, Lillian McKee, Earlie McKee, Annie May McKee, Willie Fay McKee, Lewis McKee, Horace McKee, William T. Wells, Olive Wells, Grace Wells, Ilma Wells, Aubrey Wells, Varena Wells, William McK. Wells, Marion Wells, Fannie Stallings, Hal Stallings, Vera Stallings, Edna Stallings, Bryan Stallings, Anna Padgett, Porter Padgett, Wilmer Padgett, Benjamin Padgett, Wilmer Nixon, Alma Nixon, Austin Nixon, Cammie Nixon and Hill Nixon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Register.

C. D. Frothingham
Commissioner in Charge.

C
Muskogee, Indian Territory, February 28, 1903.

Docia McKee,

Hattiesburg, Mississippi.

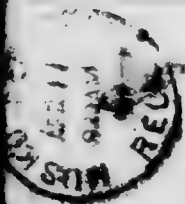
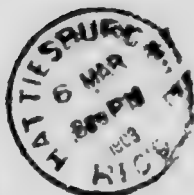
Dear Madam:

You are hereby notified that on the 17th day of February, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Rawls, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Tam
Chairman.

3698



TO THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 14 1903

CHAPMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

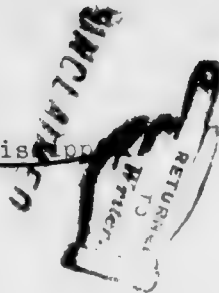
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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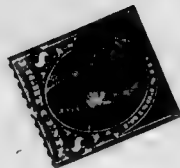
Hattiesburg, Missis. on



TO THE
F. I. A.
DEC 1902

REGISTERED
PATENT
No. 10713





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Docia McKee,

Hattiesburg, Mississippi.

Returned to sender

#1433

No. 3698

For Identification as a Mississippi Choctaw.

Date OCT 4 1901

Name Docia McKee

Age 37 Blood 1/8

Post Office. Stattsburg Miss.

Father: James Rogers d

Mother: Elizabeth " d

Claims through mother.

husband W. H. McKee L
(no claim for husband)(Claims for self and 6 minor
children)

Children:

Lillian McKee 17

Earlie " 15

Annie May " 12

Willie Fay " F 8

Lewis " 6

Horace " 4

Steno. Under

H. H. McKee

Choctaw MCR 3699

Candis Mack

See MCR 3623

MCR 3699

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 5, 1901.

In the matter of the application of Candis Mack for identification as a Mississippi Choctaw.

Candis Mack, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Candis Mack.
Q How much Choctaw blood do you claim to have? A One quarter.
Q How old are you? A Thirty six.
Q What is your post office address? A Learned, Hinds County.
Q Mississippi? A Yes sir.
Q How long have you lived there? A I have been there---my mother carried me there when I was a baby.
Q Where did she carry you from? A Newton county---Chunky.
Q You were born at Chunky station? A Yes sir.
Q You never have lived outside of the state of Mississippi? A No, sir.
Q Is your father living? A No sir, he is dead.
Q What was his name? A John Lloyd.
Q Did he have any Choctaw blood? A Not as I know of.
Q What was he? A I don't know sir---he was a negro, I reckon.
Q Is your mother living? A No sir.
Q What was her name? A Mandy Lloyd.
Q Did she have any Choctaw blood? A Yes sir.
Q How much? A She was one half---her father was whole Choctaw.
Q How old would your mother be if she were living now? A I don't know sir.
Q About how old? A I don't know sir how old she would be---I didn't know her age.
Q When did she die? A She has been dead eleven years.
Q Was she an old woman when she died? A No sir.
Q Do you know where she was born? A She was born up here close to Chunky.
Q Did she ever live outside of the state of Mississippi? A No sir.
Q She was a slave? A Yes sir.
Q And your father was a slave? A Yes sir.
Q What was your mother's father's name? A His name was Shubbe-tubbe---our witnesses know better what he was named than we do.
Q Did you ever see this man? A No sir.
Q Where did he live? A He lives somewhere close to Chunky.
Q Did he have any other name? A Not as I know of.
Q Do you claim he was a full blood Choctaw? A Yes sir, that is what my mother always said, I don't know nothing about him, that's all.
Q You never saw him and don't know where he lived? A No sir, he lived close to Chunky but I don't know the place.
Q What was the name of your mother's mother? A Sarah.
Q She was a slave? A Yes sir.
Q She had no Choctaw blood? A No sir, not as I know of.
Q Was Sarah and this Indian married? A My mother said so.

Candis Mack----2.

Q When did she tell you that? A She told me that--said they was married.

Q Are you willing to swear positively to that? A Yes sir.

Q How many other children did they have except your mother? A She is the only one that I know of.

Q They never lived together as man and wife did they? A Yes sir, so the witnesses said--they knew them well.

Q How long did they live together? A I think they said until he died--my mother said too until he died.

Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I don't understand you.

Q Was she ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians out in Indian Territory? A No sir.

Q Do you know the names of the father and mother of this full blood Indian, your grandfather? A No sir.

Q How old do you think your grandfather would be if he were living now? A I don't know sir as I never heard her say.

Q Are you married? A Yes sir.

Q What is your husband's name? A Charley Mack.

Q What is he? A He is a nigger--he is a colored man.

Q He has no Choctaw blood? A Not as I know of.

Q You make no claim for him? A No sir.

Q Have you any children? A No sir.

Q Then this application is for yourself only? A Yes sir.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.

Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir, never made no application.

Q Have you ever been admitted to citizenship in the Choctaw Nation, in Indian Territory, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.

Q Have you ever made any application of any description before today to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of making application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't understand that.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830 between the United States government on the one hand and the Choctaw Nation or tribe of Indians on the other. At the time this treaty was made the Choctaw Indians lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to secure their removal of these Choctaws from this country to a

227

new country west of the Mississippi river, a part of which is now occupied by the main portion of that tribe. At the time this treaty was made, some of the Indians were unwilling to remove out to the new country, but insisted that they be permitted to remain here and that provision to that effect be put into that treaty. For the benefit of those that wanted to stay here, article fourteen was put into that treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of Dancing Rabbit Creek under which you are making your claim--do you think you understand that? A I think I understand it very well.

Q Did any of your Choctaw ancestors--your forefathers-- ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefits under that article? A Not as I know of.

Q Were any of your Choctaw ancestors living here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know sir.

Q Did any of them own any improvement here at that time? A I don't know sir.

Q Were any of your Choctaw ancestors in the year 1830 when this treaty was made recognized members of the Choctaw tribe of Indians? A No sir, I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know sir.

Q Did you ever hear of any of your ancestors living in Indian Territory? A No sir.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States agent for the Choctaws here in Mississippi, their intention to remain and become citizens of the states? A I don't know sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the United States government under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did any of your Choctaw ancestors ever receive any land here in

Candis Mack--- -4.

Mississippi from the United States Government under the provisions of any other article of the treaty or under the supplement of the treaty? A I don't know sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might prefer to remain here in Mississippi and become citizens of the states under the provisions of that article. The records of the government show that that agent failed to register and report to the government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the states. And the government on this account when the public land was sold here, in many instances sold land upon which these Choctaws lived and owned improvements and which they supposed they would receive from the government under that fourteenth article that I have just explained to you. This action of the government in selling the land of the Choctaws caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the applications of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. This Commission was duly appointed by the President and the commissioners came down here and heard a few of these cases, but in the time allowed them by the acts of Congress under which they worked they were unable to dispose of but a comparatively small number of cases. And it became necessary for Congress to make provision whereby the remainder of these Indians might be given an opportunity to prove their rights, and another act was passed and approved on August 23, 1842, providing for another commission to come down here and finish up the work of hearing these Choctaw cases. This second Commission was appointed, and the commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen? A I don't know sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government and he had been deprived of it, he should be entitled to select in lieu thereof land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas from vacant Government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under the provisions of this act of Congress? A I don't know sir.

Q If they ever did, you never heard of it? A No sir.

Candis Hack----5.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know sir.

Q And did any of them ever receive any benefits as Choctaw Indians?

A I don't know sir, if they did I never heard of it.

Q If any of your ancestors ever got any land here in Mississippi from the United States government you never did heard of it? A No sir.

Q And if they ever received any money from the government you never heard of it? A Never did hear of it.

Q Have you any witnesses here today before the Commission this morning? A Yes sir, I have two, they are downstairs there.

Q What are their names? A Dick Jones and Will Walker.

Q What do you expect to prove by Dick Jones? A To prove that my mother was one half Choctaw--he knew her father he said.

Q What do you expect to prove by Will Walker? A The same.

Q That is all they know about your case? A Yes sir.

Q You expect to introduce them simply to substantiate your testimony as to your ancestry? A Yes sir.

Q They don't know anything about whether your ancestors received any land under article fourteen? A They might know it.

Q How old are these people? A I don't know, they are very old.

Q Do you know any one living who would know as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, not unless these two people know.

Q Have you any written evidence you want to offer at this time? A No sir.

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you want permission to file written evidence at a later date? A I might.

You will be allowed a reasonable time in which to file proper written evidence in support of this claim. The Commission would be glad to have you file such evidence as you may see fit to file within thirty days if possible.

Q Are there any further statements you desire to make? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A I have five.

Q What are their names, the oldest first? A Jim Floyd.

Q Where does he live? A Edwards depot in Hinds county, Mississippi

Q Full brother of yours? A Yes sir.

Q Has he been before the Commission? A Yes sir.

Q When? A Last week I think.

Q How old is he? A I don't know sir, I reckon he is forty.

Q Is he married? A Yes sir.

Q What is his wife's name? A Lissie.

Q Has she any Choctaw blood? A No sir.

Q Has he any children? A Yes sir.

Q How many? A I think two

Candis Mack-----6.

- Q Do you know their names, A Yes sir
Q Name them? A Ada, Mamie, Annie, Eva and Jimmie.
Q What is the name of your next brother? A Will Lloyd.
Q Where does he live? A Areola, Mississippi.
Q How old is he? A He is about thirty eight.
Q Has he been before the Commission? A No sir.
Q Is he married? A Yes sir.
Q What is his wife's name? A Lula.
Q Has she any Choctaw blood? A Not as I know of.
Q Were you present at the marriage of your oldest brother? A Yes sir.
Q Where was he married? A He was married close to Edwards.
Q When? A About twenty years ago I reckon.
Q Was he married under a license? A Yes sir.
Q Who married him? A A preacher married him, it was Elder Davis, I think.
Q What are the names of the children of your second brother, Will?
A Willie and Cleveland.
Q What is your next brother? A Johnnie.
Q How old is Johnnie? A Thirty.
Q Has he been before the Commission? A No sir, he is here today.
Q Is he married? A Yes sir.
Q What is his wife's name? A Lula.
Q Has she any Choctaw blood? A None as I know of.
Q Has he any children? A Yes sir.
Q How many? A Five.
Q What are their names? A Lucy Ann, Addie, Novelle, Clara Beala, and Cordell.
Q Were you present at the marriage of this brother? A Yes sir.
Q Where was he married? A It was down there in Hinds county close to Oakley.
Q Was he married under a license? A Yes sir.
Q Who married him? A Elder Lyon.
Q A preacher? A Yes sir.
Q Were you present at the marriage of your second brother, Will?
A Yes sir.
Q Where was he married? A He was married at the church.
Q Where? A Edwards.
Q Was he married under a license? A Yes sir.
Q Who married him? A Elder Davis.
Q Have any of these brothers been married more than once? A No sir.
Q What is the name of your next brother? A Eddie.
Q How old a man is he? A Twenty six.
Q Is he married? A Yes sir.
Q Where does he live? A He lives down there close to Learned.
Q Is his wife living? A Yes sir.
Q Has she any Choctaw blood? A Not as I know of.
Q Have they any children? A Yes sir.
Q How many? A Two.
Q What are their names? A Lucille and Charlie.
Q Has this brother been before the Commission? A No sir.
Q Is he here today? A He is here today.
Q Were you present at his marriage? A Yes sir.
Q Was he married under a license? A Yes sir.
Q Where? A He was married at the same place close to Learned.
Q Who married him? A Elder Lyon the preacher.
Q Has he been married more than once? A No sir.

Candis Mack---- 7.

- Q What is the name of your other brother? A Gus.
Q How old is he? A Twenty one.
Q Where does he live? A Arcola.
Q Mississippi? A Yes sir.
Q Has he been before the Commission? A No sir.
Q Is he married? A No sir.
Q These are full brothers of yours? A Yes sir.
Q Are any of the children of your oldest brother married? A No sir, they had a brown daughter but she died this year.
Q Was she married? A No sir.
Q Have you any brothers dead? A Yes sir.
Q Were any of them of age when they died? A Yes sir.
Q Did any of them leave families--those that died? A Yes sir.
Q How many? A One.
Q What was his name? A Oatie Lloyd.
Q When did he die? A Four years ago.
Q How old was he when he died? A He was twenty something--he was young.
Q He was your full brother? A Yes sir, full brother.
Q Did he leave any children? A He left two but they are dead now.
Q Both of them dead? A Yes sir.
Q Did you ever have any sisters? A No sir, none living--I had some but they didn't live to be grown.
Q Your mother never had any brothers? A Yes sir, she had brothers
Q Full brothers? A No sir.
Q How many half brothers did she have? A I don't know sir; there was some few.
Q They had no Choctaw blood? A No sir.
Q None of your mother's brothers or sisters had Choctaw blood? A No sir.
Q And none of them were the sons and daughters of her father? A No sir.

This applicant has the appearance of being a negro, and shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 5th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 8th day of October, 1901.

[Signature]

Notary Public.

N O R 3699

Washoe, Indian Territory, October 13, 1902.

Gandis Mack,

Learns, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jim Loyd et al., embracing the following applications for identification as Mississippi Choctaws:

Jim Loyd et al.,	N O R 3623
Gandis Mack,	N O R 3699
Johnny Lloyd et al.,	N O R 3700
Eddie Lloyd et al.,	N O R 3701.

These applications were made under the provision of the act of Congress of June 20, 1902 (32 Stat., 408) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-ninth, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concluded as follows:

It is the unanimous decision of the Commission that the persons named in the application to determine the identity of Jim Loyd, John Lloyd, Eddie Mack, Anna Loyd, Jim Loyd, Jr.,

C M R

Eva Loyd, Candis Mack, Johnny Lloyd, Lucy Ann Lloyd, Addie Lee Lloyd, Bevelle Lloyd, Clara Belle Lloyd, Cordellie Lloyd, Eddie Lloyd, Lucile Lloyd and Charley Lloyd as Cheetau Indians entitled to rights in the Cheetau lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

U.S. DEPT. OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COPY
M.C.R. 3699

Washington, D.C., December 31, 1908.

Candis Mack,

Learned, Mississippi.

Dear Madam:

You are hereby notified that on the 15th day of December, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jim Loyd, et al., of which decision you were advised by registered mail on the 15th day of October, 1908.

Respectfully,

Acting Chairman.

#1434

No. 3699

For Identification as a Mississippi Choctaw.

Date OCT 5 1901

Name Candis Mack

Age 36 Blood $\frac{1}{4}$

Post Office, Loned, Miss

Father: John Lloyd

Mother: Mandy "

Claims through mother

Charley Mack

(no claim for husband)

Children:

Claims for herself only.)

Choctaw MCR 3700

Johnny Lloyd.

See MCR 3623

MCR 3700

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 5, 1901.

In the matter of the application of Johnny Lloyd for the identification of himself and five minor children as Mississippi Choctaws.

Johnny Lloyd, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Johnny Lloyd.
Q How much Choctaw blood do you claim to have? A One quarter.
Q How old are you? A Thirty years old.
Q What is your post office address? A Learned, Mississippi---Hinds county.
Q How long have you lived there? A I have been down in there about ten years, but I was born up near Edwards and mostly lived up there.
Q Where were you born? A Hinds county.
Q You have always lived in Hinds county, Mississippi? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John Lloyd.
Q Did he have any Choctaw blood? A Not as I know of.
Q What was he? A A nigger I suppose.
Q He was a slave? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Mandy Lloyd.
Q Did she have any Choctaw blood? A Yes sir.
Q How much? A One half.
Q When did she die? A She has been dead about eleven years I reckon.
Q She was a slave too? A Yes sir.
Q How old a woman was she when she died? A I don't know sir, exactly, about her age, but she didn't look to be so old; but she was along in age.
Q Where did she live during her lifetime before you were born? A Up here close to Chunky in Newton county.
Q How long did she live there? A I don't know.
Q Was she born there? A Yes sir, she was born there.
Q Did she ever live in Indian Territory? A No sir, not to my knowledge.
Q Was she ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A I don't know, not as I know of.
Q Through which one of her parents did she derive her Choctaw blood? A Her father.
Q What was his name? A Tubbee---some such name as that.
Q Do you know his name? A No sir, not exactly, Tubbee or Tobbee or something like that.
Q Did you ever see him? A No sir, never did.
Q Where did he live? A He lived close to Hickory.
Q How do you happen to know that was her father? A I was going by what she said.
Q Did he have any Choctaw blood? A She said he was whole.
Q What was your mother's mother's name? A Sarah

Johnny Lloyd---2.

Q Was she a slave? A Yes sir.
Q Had she Choctaw blood? A No sir, not as I know of.
Q Was she married to the Indian? A Not as I know of.
Q How many children did they have? A I don't know sir.
Q Do you know of their having any more than your mother? A No sir.
Q As a matter of fact don't you know that they were not married at all? A I don't know whether they were married or not--you see I was born after she left here.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Lula.
Q Have you been married more than once? A No sir.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you any children? A Five.
Q What are their names and ages? A Lucy Ann Lloyd.
Q How old? A Seven.
Q Next? A Addie Lee Floyd.
Q How old is she? A Six.
Q Next? A Novelle.
Q How old? A Three.
Q Is that a boy or girl? A Girl.
Q Next? A Clara Belle.
Q How old is Clara Belle? A One year.
Q Next? A Cordelle.
Q How old? A One year old---they are twins.
Q Is that a girl? A Boy.
Q That is all, is it? A Yes sir.
Q These children are all the children of yourself and Lula? A Yes sir.
Q Are they living with you now? A Yes sir.
Q Were you married to Lula under a license? A Yes sir.
Q When? A It was in 1894 I believe.
Q Where? A Down here at Leamed in Hinds county.
Q Have you your license and certificate with you today? A No sir.
Q Who married you? A Elder Lyen.

It will be necessary that you furnish the Commission with proper evidence of your marriage to your wife Lula. The Commission would be glad to have you furnish this within thirty days if possible.

Q This application is for yourself and five minor children? A Yes sir.
Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir, not as I know of, which I don't think it is.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or either of these minor children to be admitted or enrolled as members of that tribe? A No sir.
Q Did you in the year 1890 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these minor children? A No sir.
Q Have you or any of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.

Johnny Lloyd-----3.

Q Have you ever made any application before this time for yourself or any of these children to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir, never has.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

Q You heard it explained a few moments ago, didn't you? A Yes sir

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830 between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaw Indians lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river, a part of which is now occupied by the main body of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to remove to the new country but preferred to remain in Mississippi and become citizens of the states. For the benefit of those preferring to remain here the fourteenth article was put into that treaty. An article is a small part or sub-division of a treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now? A Yes sir, I think I do.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Were any of your Choctaw ancestors living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty was made? A Not as I know of.

Q Did any of your ancestor's own any improvements here at that time on what constituted the old Choctaw Nation in Mississippi and Alabama? A Not as I know of.

Q Were any of your ancestors at that time recognized members of the Choctaw tribe of Indians here in Mississippi? A Not as I know of.

Q None of your ancestors were recognized members of the tribe here at that time? A No sir.

Johnny Lloyd-----4.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q So far as you know they have always lived here in Mississippi? A Yes sir.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the states? A Not as I know of.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of your Choctaw ancestors ever receive or claim any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty or under the supplement of that treaty? A Not as I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here in Mississippi and become citizens of the states and take land in accordance with the provisions of article fourteen. The records of the government show that that this agent failed to register and report to the government the names of many Indians who did in fact signify to him their intention to remain and become citizens under that article. On this account, the government at its public land sales here in Mississippi sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the government under this fourteenth article.

This action of the government in selling the land upon which the Choctaws lived caused a great deal of complaint among them and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission whose duty it should be to come to the state of Mississippi and hear the cases of Choctaw Indians who claimed they had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These Commissioners were duly appointed by the President and came down here and heard a few of these Choctaw cases, but in the time allowed them by the acts of Congress under which they worked they were unable to dispose of but a comparatively small number of cases, and it became necessary for Congress to make further provisions whereby the remainder of these Indians might be given hearings. So another act of Congress was passed which was approved on the 23rd day of August, 1842, providing for the appointment of a second commission whose duty it was to come down here and finish up the work of hearing these Choctaw cases. These Commissioners were appointed by the President and came down here in Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.

Johnny Lloyd-----5.

The act of Congress approved August 23, 1842 provided that in cases it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select land in lieu thereof elsewhere in Mississippi or in Alabama Louisiana or Arkansas, to be taken from vacant government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?

A Not as I know of.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A Not as I know of.

Q Did any of them ever receive any benefits as such? A Not as I know of.

Q Did any of your ancestors ever receive any land? A No sir.

Q If they ever did you never heard of it? A No sir.

Q And if any of them ever received any money from the government you never heard of it? A No sir, never heard of it.

Q Have you any witnesses here today? A Yes sir.

Q What are their names? A Will Walker and Dick Jones.

Q How old a man is Will Walker? A I don't know sir.

Q Is he a very old man? A Yes sir.

Q What do you expect to prove by him? A That my mother had Choctaw blood in her.

Q Is that all? A Yes sir.

Q What do you expect to prove by Dick Jones? A The same thing.

Q Is that all? A Yes sir.

Q Do you know of any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of the existence of any written evidence showing that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence you want to offer at this time in support of your application? A No sir.

Q Do you want permission to offer some later? A Yes sir.

You will be allowed a reasonable time in which to file proper written evidence in support of this application. The Commission will be glad to have you file such written evidence as you may see fit to file within a period of thirty days from this date. If you should see find other witnesses whose testimony you desire to present in support of your application, they may appear before the Commission here at Meridian at any time before the tenth of this month and their testimony will be taken after that time witnesses may appear before the Commission at its office in Atoka, Indian Territory and their testimony will be taken.

Q Have you any further statements you want to make? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Did your mother speak or understand the Choctaw language? A If she did, I don't remember.

Q Have you any brothers living? A Yes sir.

Jettany Lloyd-----6.

Q How many? A Four.

Q What are their names? A Jim Lloyd.

Q Where does he live? A Edwards, Mississippi.

Q How old is he? A I don't know sir, I reckon he is about forty years old.

Q Is his wife living? A Yes sir.

Q What is her name? A Lizzie Lloyd.

Q Have they any children? A Yes sir.

Q How many? A Five, I think.

Q Do you know their names? A Yes sir.

Q Name them? A Ada, Mamie, Annie, Eva and Jimmie.

Q Has this brother been before the Commission? A Yes sir.

Q When was he here? A Week before last, I think.

Q Has his wife any Choctaw blood? A No sir.

Q What is your next brother's name? A Will Lloyd.

Q Where does he live? A Arcola.

Q About how old a man is he? A He is about thirty some odd.

Q Is he married? A Yes sir.

Q Is his wife living? A Yes sir.

Q Has she any Choctaw blood? A None as I know of.

Q What is her name? A Lula.

Q Has he any known children? A Two.

Q What are their names? A Willie and Cleveland.

Q What is your next brother? A Eddie.

Q Where does he live? A Close to Learned.

Q How old is he? A Between twenty four and twenty six years old.

Q Has he been before the Commission? A No sir, he is here today.

Q Is he married? A Yes sir.

Q Is his wife living? A Yes sir.

Q What is her name? A Annie.

Q Has she any Choctaw blood? A None as I know of.

Q Has he any children? A Two.

Q What are their names? A Lucille and Charley.

Q What is the name of your next brother? A He is dead, Oatie.

Q Did he leave a family? A Yes sir.

Q How many children? A Two but they are dead.

Q What is the next brother? A Gus.

Q Where does he live? A Arcola.

Q Is he married? A No sir.

Q How old is he? A About twenty.

Q Has he been before the Commission? A No sir.

Q Have any of these brothers been married more than once? A No sir.

Q You never have been married more than once? A No sir.

Q Have you any sisters living? A Only one.

Q What is her name? A Candis Mack.

Q Is she the same Candis Mack who appeared before the Commission here this morning? A Yes sir.

Q Has she any children? A No sir.

Q What is her husband's name? A Charley Mack.

Q How old is Candis? A I don't know sir, she is about thirty five or thirty six years old, may be not quite that old.

Q Did you ever have any other sisters? A Yes sir, but they are all dead.

Q Did any of them leave families? A No sir.

Q Are all these brothers and sisters you have testified about full brothers and sisters? A Yes sir, some mother and father.

Johnny Lloyd-----7.

- Q Did your mother have any full brothers and sisters? A No sir.
Q She had none by her father? A No sir.

This applicant has the appearance of being a negro and shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

H. C. Risteen, having been first duly sworn, upon his oath states: that as stenographer to the Commission to the Five Civilized Tribes he reported in all all proceedings had in the above entitled cause on the 5th day of October, 1901, and that the above and foregoing is a true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of October, 1901.

[Signature]

Notary Public.

COPY.

N C R 3700

Washkoga, Indian Territory, October 13, 1902.

Johnny Lloyd,

Learned, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jim Lloyd et al., embracing the following applications for identification as Mississippi Choctaws:

Jim Lloyd et al.,	N C R 3683
Gandis Nash,	N C R 3699
Johnny Lloyd et al.,	N C R 3700
Eddie Lloyd et al.,	N C R 3701.

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of the Commission that the evidence herein is insufficient to determine the identity of Jim Lloyd, Ada Lloyd, Emma Lloyd, Anna Lloyd, Jim Lloyd, Jr.,

J L 2

Eva Lloyd, Gaudis Nash, Johnny Lloyd, Lucy Ann Lloyd, Addie Lee Lloyd, Novelle Lloyd, Clara Belle Lloyd, Gerdelie Lloyd, Eddie Lloyd, Lucile Lloyd and Charley Lloyd as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

L. F. Nichols

Commissioner in Charge.

Registered.

M.C.R. 2700

COPY

Muskogee, Indian Territory, December 31, 1902.

~~John Lloyd,~~

Learned, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheataws of the several persons included in the consolidated case of Jim Loyd, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

James Dixby
Acting Chairman.

Identification as a Mississippi Choctaw

Date 51
 Name *Johnny Lloyd*
 Age *30* Blood $\frac{1}{4}$
 Last Office. *Learned, Miss*
 Father: *John Lloyd*
 Mother: *Mandy*

Claims through *mother*
Wife *Lula Lloyd*
 (no claim for wife)

Children:

<i>Lucy Ann Lloyd</i>		<i>7</i>
<i>Addie Lee</i>	"	<i>5</i>
<i>Novelle</i>	" (F)	<i>3</i>
<i>Chara Belle</i>	" (F)	<i>1</i>
<i>Cordelle</i>	" (M)	<i>1</i>

(Claims for self and 5 minor children)

Stenographer

McKisteen

Choctaw MCR 3701

Eddie Lloyd

See MCR 3623

MCR 3701

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, October 5, 1901.

In the matter of the application of Eddie Lloyd for the identification of himself and his two minor children as Mississippi Choctaws.

Eddie Lloyd, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Eddie Lloyd.
Q How old are you? A About twenty six, as near as I can get at it.
Q What is your post office address? A Learned, Mississippi.
Q What county? A Hinds County.
Q How long have you lived there? A About eleven years.
Q Where did you live before that? A About Edwards, in Hinds County.
Q How long did you live there? A Born there.
Q Have you lived in Hinds County, Mississippi, all your life?
A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John Lloyd.
Q Did he have any Choctaw blood? A Not as I knows of.
Q What was he? A Negro, African.
Q Is your mother living? A No sir.
Q What was her name? A Mandy Lloyd.
Q Did she have any Choctaw blood? A Yes sir, half.
Q What was the other half? A Nigger, or something.
Q Was she a slave? A Yes sir.
Q And your father was a slave? A Yes sir.
Q Where did your mother live before you were born? A Around Chunkey.
Q What county? A Newton, or Hickory County.
Q Born in Newton County? A Yes sir.
Q And lived there until --? A She went down to Hinds County.
Q How old would she be if she were living now, do you think?
A I don't know; I think she would be forty or fifty years old.
Q Was she ever in Indian Territory? A No sir, not as I knows of.
Q She never was recognized in any manner or enrolled as a member of the Choctaw tribe of Indians out there, was she? A No sir, not as I knows of.
Q Through which one of her parents did your mother derive her Choctaw blood? A Grand father.
Q Her grand father? A Mine.
Q Her father? A Yes sir.
Q What was his name? A I don't know sir, but I heard her say Shuletshee.
Q You never saw him? A No sir.
Q Do you know where he lived? A Around Chunkey, around down here.

Eddie Lloyd, et al.

Q How much Choctaw blood did he have? A Whole, my mother said.
Q Your mother said he was a full blood Choctaw? A Yes sir.
Q Do you know when he died? A No sir.
Q Do you know how old he would be, if he were living now? A No sir.
Q Did he die before you were born? A I don't know sir.
Q What was your mother's mother's name? A Sarah.
Q Did you ever see her? A No sir.
Q She was a slave, was she? A Yes sir.
Q Was Shueltubbee a slave? A I don't know, sir.
Q Was Shueltubbee married to your mother's mother? A That's what I always heard.
Q Who did you ever hear say that? A She said so.
Q Her mother? A Yes sir.
Q They never had any other children, except your mother? A Not as I knows of.
Q Did they ever live together as man and wife? A Yes sir.
Q How do you know? A I heard her say so.
Q How long did they live together? A I don't know sir.
Q Do you know whether this Indian, Shueltubbee, was ever in Indian Territory? A No sir, I don't know, sir. I never heard.
Q Or whether he was ever a recognized member of the Choctaw tribe? A No sir, not as I knows of.
Q You know nothing whatever about him? A No sir.
Q Or about his people? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Annie Lloyd.
Q Has she any Choctaw blood? A Not as I knows of.
Q You make no claim for her? A No sir.
Q Ever been married more than once? A No sir.
Q Have you any children? A Two.
Q What are their names? A Lucile and Charley.
Q How old is Lucile? A She's three years old, this last May.
Q How old is Charley? A He was a year old this last May.
Q Are they both the children of yourself and Annie Lloyd? A Yes sir.
Q Do these children live with you? A Yes sir.
Q Were you married to Annie under a license? A Yes sir.
Q When? A I don't know exactly, but about six years ago.
Q Where? A In Hinds County, near Leaned.
Q Who married you? A Elder Lyman.
Q Was he a preacher? A Yes sir.
Q Where did you get your license? A Raymond.
Q What county? A Hinds County.
Q Is that the County Seat? A Yes sir.
Q Have you your license with you at this time? A No sir, but I think they are at home.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Annie. We will be glad to have you offer this within thirty days, if you care to do so.

Q This application then is for yourself and two minor children?
A Yes sir.

Eddie Lloyd, et al.

- Q Is your name on any of the Choctaw tribal rolls in Indian Territory
A Sir?
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir, not as I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
Q Did you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Have you ever made any application of any description before to-day, to either the Choctaw tribal authorities, or the United States authorities, to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
Q Do you appear before this Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and these two minor children, under the provisions of Article fourteen of the Treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
Q You have heard it explained this morning here, when your brother was examined, and when your sister was examined? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the twenty seventh day of September, eighteen hundred and thirty, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi, and over in the western edge of Alabama. The object of this treaty was to secure the removal of the Indians from the country occupied by them in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the main portion of the Choctaw tribe. The Indians, at the time this treaty was made, some of them were unwilling to move this new country, but preferred to remain here in this State, and for the benefit of those preferring to remain here, the fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one

Eddie Lloyd, et al.

section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the State for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the fourteenth article of the treaty of Dancing Rabbit Creek, do you think you understand that? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article? A No sir, not as I knows of.
- Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in 1830, when this treaty was made? A No sir, not as I knows of.
- Q Were any of them recognized members of the Choctaw tribe here at that time? A No sir, not that I knows of.
- Q Did any of them own an improvement here at that time? A No sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir, not that I knows of.
- Q So far as you know, they have always lived here in Mississippi? A Yes sir.
- Q Did any of your Choctaw ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, signify to the United States agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A No sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the United States Government under the provisions of article fourteenth of the treaty of Dancing Rabbit Creek? A No sir, I don't know of any.
- Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the United States Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article, or under the supplement to that treaty? A No sir, not that I knows of.
- Q

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to

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register the names of such Choctaws as might desire to remain here and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, signify to him their intention to remain here and become citizens of the States. On this account, the Government, at its public land sales, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the provisions of article fourteen of the treaty. This action of the Government in disposing of this land upon which Choctaws lived and had some improvements, caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission, whose duty it should be to come down here to Mississippi and heard the cases of Choctaws who claimed they had complied, in all respects, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President, and they came down here to Mississippi and heard a few of these cases, but in the time allowed them under the Acts of Congress under which they worked, they were unable to dispose of but a comparatively small number of these cases, and it became necessary for Congress to make further provision whereby the remainder of these cases might be given a hearing, so another Act was passed and approved on the twenty third day of August, eighteen hundred and forty two, providing for the appointment of a second commission to come down here and finish up the hearing of these cases. These commissioners were duly appointed by the President, and they came down here, and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article fourteen of the treaty? A No sir, not as I know of.

The Act of Congress approved August twenty third, eighteen hundred and forty two, provided that in case it should be finally determined, that as Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever claim or receive any scrip from the Government of the United States under this Act of Congress? A No sir.

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- Q So far as you know, were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir, not as I knows of
- Q Did any of them, so far as you know, ever receive any benefits whatever as such? A No sir.
- Q Have any of your ancestors ever received any land here in Mississippi from the Government of the United States under any provision of this treaty? You never heard of it? A No sir.
- Q If any of them ever received any money from the Government as Choctaw Indians, you never heard of it? A No sir.
- Q Are there any witnesses here to-day whom you desire to introduce?
- A Two.
- Q What are their names? A Dick Jones and Will Walker.
- Q What do you expect to prove by them? A That my mother was half Choctaw.
- Q You just expect him to support your testimony as to your ancestry?
- A Yes sir.
- Q What do you expect to prove by Will Walker? A The same thing.
- Q Do you know of any one living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
- A No sir.
- Q Do you know of the existence of any written evidence of any description which would tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.
- Q Have you any written evidence of any kind you want to offer at this time? A No sir.
- Q Do you want permission to offer some later? A Yes sir.

You will be allowed a reasonable time in which to offer proper written evidence in support of your application; the Commission would be glad, however, for you to offer it in thirty days, if you can do so. If you care to bring other witnesses, whose testimony you desire to introduce in your case, they may appear before the Commission at Meridian at any time prior to the tenth of this month, and their testimony will be taken; after that time they may appear before the Commission at its office in Atoka, Indian Territory, within a reasonable time, and their testimony will be taken.

- Q Have you any brothers? A Yes sir.
- Q How many? A Four.
- Q What are their names? A Two on the river and one at Edwards.
- Q What are their names? A Brother Jim Lloyd.
- Q Where does he live? A Edwards, Mississippi.
- Q The next one? A Will Lloyd? A
- Q Where does he live? A Arcola.
- Q The next one? A Johnnie Lloyd.
- Q Where does he live? A Hinds County, Mississippi.

Eddie Lloyd, et al.

- Q The next one? A Gus Lloyd.
Q Where does he live? A Arcola, Mississippi.
Q Have any of these brothers been before the Commission? A None but brother Jim, that I know of.
Q When was he here? A Last week, or week before last.
Q Wasn't John here this morning? A Yes sir.
Q Are these all full brothers of yours? A Yes sir.
Q Have you any sisters? A Clandis and Mack.
Q Is she the Clandis Mack who was before the Commission this morning?
A Yes sir.
Q Did you ever have any other sisters? A No sir.
Q Didn't you have some little ones? A No sir, they all died.
Q I am talking about any of them; did you ever have any other sisters? A No sir, no other one living.
Q Did you ever have any sisters any time? A No sir.
Q I will declare; that is peculiar. You say some of them are dead, and you say you didn't have any? A Them are the babies.
Q You never had any other sisters who grew up of age? A None at all.
Q Did you ever have any other brothers who grew up of age? A One.
Q What was his name? A Otis Lloyd.
Q Did he leave a family? A Yes sir, left a wife and two children, but the children is dead.
Q Did your mother ever have any brothers or sisters? A No sir, not as I knows of.
Q She had some half brothers and sisters? A Yes sir.
Q None of them were by her father? A No sir.

(This applicant has the appearance of being a negro; he does not speak or understand the Choctaw language; neither does he show any indication of being possessed of Indian blood.)

(Applicant excused.)

Dick Jones, having been first called and duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Dick Jones.
Q What is your age? A Seventy seven years old.
Q What is your post office address? A Hickory, Mississippi.
Q How long have you lived there? A I was born -- I was raised right here in Newton County.
Q Lived there all your life? A Yes sir.

Eddie Lloyd , et al.

- Q Were you a slave? A Yes sir. I was a slave.
- Q What is your occupation? A Farming.
- Q Are you related in any way to the applicants, Candis Mack, John Lloyd and Eddie Lloyd? A No relation.
- Q Are you interested in any way in the result of thier applications? A Well, I wish to tell what I know about them.
- Q Are you interested in any way? A No sir.
- Q You are acquainted with these three people, are you? A Yes sir.
- Q How long have you known them? A KNOWN them ever since they have been born.
- Q Have they any Choctaw blood? A Yes sir, I think they have got it.
- Q What makes you think so? A By their parents.
- Q Are their parents living? A No sir.
- Q Through which one of their parents did they get their Choctaw blood? A From the man.
- Q Through which one of their parents did they get their Choctaw Indian blood? A Through their father.
- Q What was the name of the father of these applicants? A Their grand father.
- Q Their father, I am talking about, their father and mother? A John Lloyd and Mandy Lloyd.
- Q Were their parents? A Yes sir.
- Q Do you mean to say that John Lloyd had any Choctaw blood? A No sir
- Q You misunderstood me, then, when you said these applicants got their blood through their father, didn't you? A Well, I did; I didn't understand you right.
- Q They got their Choctaw blood, then, through their mother, did they? A From the grand father.
- Q Well, now, I want you to say whether they got their Indian blood through their father or mother? You said they didn't get it through their father, so they must get it through their mother?
- A Yes sir, Mandy.
- Q How much Choctaw blood did Mandy have? A I couldn't tell you t that, but she had some; I am satisfied of that.
- Q What makes you think so? A Because her father was a Choctaw.
- Q When did Mandy die? A I don't know sir; I couldn't tell you exactly when she died.
- Q How long did you know her? A Ever since she was a baby.
- Q Would she be as old as you are now if she were living? A No sir, she wouldn't, no sir.
- Q How much older than she were you? A I was a grown man when she was a child.
- Q Was she a slave? A Well, she come in Slave time, yes sir.
- Q Through which one of her parents did she get her Choctaw blood?
- Q Well, I think she got it from her father.
- Q What was the name of her father? A Ma-shu-la-tubbee.
- Q What was the name of her mother? A Her name was Sarah.
- Q Was Sarah a slave? A Yes sir.
- Q Was Ma-shu-la-tubbee a slave? A No sir, he was free; he was Chestaw.
- Q Sarah didn't have any Chestaw blood, did she? A No sir.

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- Q Well, was Ma-shu-le-tubbee a full blood Choctaw? A Yes sir, full blood.
- Q Do you remember him? A Yes sir.
- Q How old would he be if he were living now? A Well, Ma-shu-le-tubbee would be somewhere's about my age.
- Q Where did he live during his life time? A Lived up here on the Tallahatta.
- Q Tallahatta Creek? A Yes sir.
- Q In what county? A Well, he lived in the edge of this county.
- Q Were you well acquainted with him? A Well acquainted with him? Lived right close to him.
- Q You are sure he was a full blood Choctaw? A Full blooded Choctaw. Full blooded. If he wasn't, there aint none.
- Q How do you know he was the father of this woman? This woman, Mandy? A Mandy said so; that 's all I can tell you; she said so.
- Q They were not married, were they? A They were married sorter like they was in slave time.
- Q How was that? A They just took them together, and said they was married.
- Q How long did they live together? A Well, they lived together until he died. After she moved, the white folks took her away from him on across the county, and he would be backwards and forwards to see her, just like, I say, when I was a slave, but he went to see his wife, I reckon, Wednesday nights and Saturday nights; that 's what they allowed.
- Q There was never any marriage ceremony between these two people? A No sir, never was.
- Q Ma-shu-le-tubbee and Sarah? A That's what they called marrying, just take up and went on, old slavery times.
- Q I wanted to get an idea of how long they lived together in this way like you say they did in slavery time? A I couldn't tell you exactly.
- Q About how long? A Something about fifteen or eighteen years, as I recollect.
- Q Didn't she have another man she was living with too at the same time? A No sir, none but him then.
- Q Didn't have any black man she was living with? A No sir, not then.
- Q How many children did these people have? A One.
- Q Ma-shu-le-tubbee and Sarah? A Just one child.
- Q Next to Mandy? A That's all they had.
- Q How long after they first lived together was it Mandy was born? A I don't know sir, I could n't tell you that far.
- Q Did Sarah tell you this was her child by Mandy? A Yes, because I was talking with her and named others that I thought was the father, and she said Ma-shu le-tubbee was the father.
- Q You were suggesting someone else was the father? A Yes sir.
- Q Who did you think was the father? A I thought he was, but wanted to find out whether he was or not.
- Q You are sure no one else was living with her about that time? A No sir, no one else; if they was, it was more than I know of.
- Q How did you come to inquire about it then? A Just went on joking with her.
- Q Didn't you think at that time that some one else was living with her, or you wouldn't have asked that question? A I just wanted to find out that it was Ma-shu-la-tubbee, as far as I could.

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- Q Do you know whether Ma-shu-le-tubbee was ever a recognized member of the Choctaw tribe of Indians here in Mississippi? A I don't know sir.
- Q Do you know who his father and mother were? A I don't know them.
- Q Did he live in the State of Mississippi as long as you knew him? A Yes sir.
- Q How old was he when you first met him? A He was a man - grown.
- Q How old was he when he died? A I don't know, sir; it is a hard thing for a person to tell about Injuns for he keeps count with himself.
- Q How old were you when you first knew him? A Grown man.
- Q Did he own any land here in Mississippi? A Not that I know of. He just settled around wherever he went.
- Q Did he have any family by any other woman? A I don't know, sir.
- Q Didn't you ever hear about that? A No sir.
- Q You never heard of his getting any land here in Mississippi from the Government? A No sir.
- Q You never heard of his getting any money from the Government? A No sir, never did. They settled about anywhere; where they take a notion to settle they settle down on it; that 's the way they lived.
- Q Where did he live? A He lived up on the Tallahatta.
- Q Were you ever at his place? A Never was there.
- Q You don't know anything about it then? A No sir, not on his place; he claimed land up there by what he said.
- Q What did he ever say about having land up there? A Well, he said he made corn; that's about what they made, and hunted.
- Q Did you ever see anyone that was at his place? A No sir, I never was there.
- Q Did you know any of the members of his family? A No sir, none of them at all. Didn't know none of them - none of his family.
- Q Did he die before the Civil War or after? A He died before.
- Q Did you ever hear of his making any claim to any land here in Mississippi from the Government? A No sir, never did.
- Q Are you acquainted with all of Mandy's children? A There was some I aint seen.
- Q What are their names? A I don't know their names.
- Q How do you know these children here this morning are Mandy's children? A Some of them come right here, right here before the Commission; there's two of them.
- Q Did you ever see - or where did you first see these applicants here this morning? A Well, two of them I hadn't seen, but the woman, I have seen her when she was nothing but a child.
- Q The other two, you never have seen until you came to Meridian yesterday? A Never seen before. I am here to tell the truth.
- Q You don't know they are Mandy's children? A I think they are by the way they look, and they say they are her children, and some of them favor a man who used to live right close to me.
- Q Who is that, their father? A Yes sir; I aint gwine to tell nothing but the truth.

(Witness excused.)

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Will Walker, having been called and first duly sworn as a witness in behalf of the above named applicants, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Will Walker.
- Q How old are you? A About ninety, some odd years old.
- Q What is your post office address? A Chunkey Station.
- Q How long have you lived there? A Been there a long time.
- Q That's in Newton County? A Yes sir, but I live in Lauderdale this side.
- Q How long have you lived in Lauderdale County, Mississippi? A Ever since I was a boy.
- Q Where were you born? A North Carolina.
- Q How old were you when you came to this country? A Seven years old.
- Q You were a slave? A Yes sir.
- Q Are you acquainted with the applicants, Candis Mack, John Lloyd and Eddie Lloyd? A Not much; just know according to what their mammy said; they must be her children.
- Q When did you first see these three children? A One of them I saw when she was small, that girl there; I saw her when she was small.
- Q When did you first see the two boys? A I have seen them now two or three days ago.
- Q The first time? A Yes sir.
- Q Are you any relation to these people? A This girl's step-daddy had my sister for a wife.
- Q In slavery times? A Yes sir.
- Q That's the only relation ship between you? A Yes sir.
- Q Are you interested in any way in the result of these claims?
- A Yes sir.
- Q How? A Me and Mandy.
- Q Now, wait a minute! Uncle; you don't understand me. I want to know whether you are interested in these claims? A Yes sir.
- Q How are you interested? A By being acquainted with their parents.
- Q Just a friendly interest you mean? A Yes sir.
- Q You have no financial interest in it? A No sir.
- Q Now, their father and mother were both slaves? A Yes sir.
- Q What is the name of the mother of these applicants? A Mandy.
- Q Mandy what? A Mandy Lloyd.
- Q How do you know she is their mother? A Well, just like other people; they call her, and say they are her children, and get acquainted that way, by saying I have got so many children.
- Q Do you know their father? A Yes sir.
- Q What was his name? A John Lloyd.
- Q Their father and mother were both slaves? A Yes sir.
- Q When did their mother die? A I don't know, sir, how long she has been dead.
- Q Did she have any Choctaw blood? A I think she did.
- Q What makes you think so? A Her injun was with her mammy.
- Q An Indian was with her mammy? A Yes sir.
- Q When was that? A A good while ago.
- Q Did their father have any Choctaw blood? A Their father?
- Q These applicants' father? A No sir.
- Q Through which one of her parents did the mother of these appli-

Eddie Lloyd, et al.

- cants get her Indian blood? A The parents.
- Q The mother of these applicants? A The mother.
- Q Now, Mandy; through which one of her parents did she get her Indian blood? A Mandy? Her mother --- father.
- Q What was his name? A Injun-tubbee.
- Q When did you first hear that was his name? A I saw him.
- Q You were acquainted with him, were you? A Yes sir.
- Q Where did he live? A On Ponta here.
- Q Is that a creek here? A Yes sir.
- Q In what county? A In this county.
- Q How old was he when you first met him? A When I first saw him, he was a young man.
- Q Grown man? A Yes sir, first got acquainted with him.
- Q About when was that; how long ago? A Oh! it's been a long time.
- Q Was he as old as you? A No sir, I was older than he was.
- Q When did he die? A I don't know sir; I don't know how long he has been dead.
- Q Was it before or after you were staying there that he died? A I wasn't staying here when he died.
- Q Where were you? A Down in Jasper County.
- Q What was the name of the mother of Mandy? A Sarah.
- Q She was a slave was she? A Yes sir.
- Q You say this Indian-Tubbee was Mandy's father? A Yes sir.
- Q Was he a slave? A No sir.
- Q Was he a full blood Choctaw? A Yes sir.
- Q How do you know he was her father? A Well, just because he was knocking around with her; she was knocking around there like we had to do; we had to marry without a license or anything, and just say you are my wife, and I am your husband, and go on to bed.
- Q Did you ever marry at all? A Not lawfully, by license; that's the way they married.
- Q How long did they live together? A I couldn't tell you exactly how long they lived together; for two or three years, I saw them, and I moved off in Jasper.
- Q You don't know that they ever did live together as man and wife, do you? A No sir.
- Q How many children did they have? A Didn't have but that one.
- Q How did Mandy look; can you give us a description of her appearance? A Mandy looked pretty much like her daughter yonder, was yellow.
- Q Didn't look as if she had any Indian blood? A Yes sir, her hair and face.
- Q Was her hair straight and black? A Yes sir.
- Q You are sure it was straight and not kinky? A Yes sir, it was straight.
- Q Did this man, Indian-tubbee have any land here in Mississippi when you knew him? A No sir, not that I knows of.
- Q Did he own an improvement here in Mississippi when you knew him? A No sir, if he did, I didn't know it.
- Q Do you remember when the Choctaws were carried out of this country? A Yes sir, I sorter recollect it.
- Q How old a man was you? A I was a man Grown.
- Q How long after that was it you got acquainted with this Indian? A Well, it was a while after that.
- Q Well, was it a year, or ten years? A I don't know sir, now, exactly how many years it was, but it was after that I know.
- Q You don't know that he owned any land here at all? A No sir.

Eddie Lloyd, et al.

- Q Do you know whether he was a recognized member of the Choctaw tribe at that time? A I think he was; I don't know for certain.
- Q Do you know whether he ever got any money from the Government? A No sir, I don't know.
- Q Or any land from the Government here in Mississippi? A No sir, I don't know.
- Q Do you know whether he ever claimed any land here in Mississippi from the Government? A No sir, I don't know that.
- Q Did you ever know the other members of his family? A I knowed his brother.
- Q What was his name? A Injun Lewis.
- Q Was he a full blood Choctaw? A Yes sir.
- Q Where did he live? A Up here by Ponta; they lived at their folks.
- Q Did this Indian-tubbee have another wife? A Not that I know of. Lewis had a wife, but I don't think he had any.
- Q You don't know whether he had a family by another woman or not? A No sir.
- Q At this time when you say -- about the time this girl was born, Mandy, did Sarah have another man? A No sir.
- Q You are sure of that? A Yes sir.
- Q Did they ever have any more than this one child? A Sarah did. By this same man? A No sir.
- Q Do you know anything more about this family you want to tell? A No sir.
- Q Where was Mandy born? A She was born up yonder on Ponta.
- Q She lived in the State all her life? A Yes sir.
- Q In this State? A Yes sir.

(Witness excused.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the fifth day of October, nineteen hundred and one, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 9th day of October, 1901.


Notary Public.

Muskogee, Indian Territory, October 13, 1902.

Eddie Lloyd,

Learned, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jim Loyd et al., embracing the following applications for identification as Mississippi Choctaws:

Jim Loyd et al.,	M C R 3623
Candis Mack,	M C R 3699
Johnny Lloyd et al.,	M C R 3700
Eddie Lloyd et al.,	M C R 3701.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of the Commission that the evidence herein is insufficient to determine the identity of Jim Loyd, Ada Loyd, Mamie Loyd, Anna Loyd, Jim Loyd, Jr.,

N L 2

Eva Loyd, Candis Mack, Johnny Lloyd, Lucy Ann Lloyd, Addie Lee Lloyd, Novelle Lloyd, Clara Belle Lloyd, Cordelle Lloyd, Eddie Lloyd, Lucile Lloyd and Charley Lloyd as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.*

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

COPY.

M.C.R. 3701

Muskogee, Indian Territory, December 31, 1902.

Eddie Lloyd,

Learned, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jim Loyd, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

Acting Chairman.

#1436

No. 3701

For Identification as a Mississippi Choctaw.

Date OCT 5 1901

Name Eddie Lloyd

Age 26 Blood 1/4

Post Office, Learned, Miss

Father: John Lloyd d

Mother: Mandy Lloyd d

Claims through mother
wife Annie Lloyd s
(no claim for wife)

Children:

Lucile Lloyd 3
Charley " 1

(Claims for self and 2
minor children)

Stenographer

R S Strick

Choctaw MCR 3702 .

Levie Coldwell

See MCR 790

MCR 3702

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. October 8, 1901.

3702

In the matter of the application for identification as Mississippi Choctaws of Levie Caldwell and her minor son William Caldwell.

J. E. Arnold attorney representing applicant: no appearance by attorney.

Levie Caldwell being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Levie, L-e-v-i-e Caldwell.C-a-l-d-w-e-l-l.
- Q What is your age? A Nineteen.
- Q What is your post-office address? A Simon, I.T.
- Q How long have you lived there? A Thirteen years.
- Q Where were you born? A Van Sandt County.
- Q Texas? A Yes sir.
- Q What is your father's name? A William Phillips.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Mary Phillips.
- Q Is she living? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A Mother.
- Q How much do you claim? A Why I don't know.
- Q Has your mother ever been enrolled or recognized in any way by the Choctaw tribal authorities or by the United States authorities as a Choctaw Indian? A No not until yesterday.
- Q She appeared here yesterday? A Yes sir.
- Q What relatives of yours appeared here yesterday for identification as Mississippi Choctaws? A My mother Mary Phillips, and my two uncles.
- Q What are their names? A James and Lacey Pointer.
- Q They appeared for identification on October 5th did they? A Yes.
- Q Do you want their testimony taken into consideration with yours in order that you may get the benefit of what they have testified to? A Yes.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Oady Caldwell.
- Q How do you spell that? A O-a-d-y.
- Q He is a white man? A Yes sir.
- Q You make no claim for him? A No sir.
- Q Have you any children? A One.
- Q What is the name of the child? A William Caldwell.
- Q How old is he? A Two, years old.
- Q You claim for this child and yourself? A Yes sir.
- Q Is Oady Caldwell the father of this child? A Yes sir.
- Q Is it living with you at your home? A Yes sir.
- Q You were married to him when? A In '97.
- Q What day of the month? A The 17th of the month.
- Q Married by a minister and under a license? A Yes sir.
- Q At what place? A Reek, Indian Territory.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a citizen of the Choctaw Nation? A No sir.

- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and child to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Did you ever before this time make application for citizenship in the Choctaw Nation for your self and child, to any authority, either the authority of the United of the Choctaw authority? A No sir.
- Q Do you now come before the Commission for the purpose of identifying your self and your child as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir.

The treaty of Dancing Rabbit Creek was entered into between the Choctaw Indians and the United States government in 1830. At that time the Choctaws lived in what was called the old Choctaw Nation, partly in Mississippi and partly in Alabama. It was the desire of the government to remove them all to the New Choctaw Nation Indian Territory and for that purpose this treaty was made but before the treaty was signed it became evidence that a great many Choctaws did not want to go to the New Choctaw Nation Indian Territory and in order to protect their interests article fourteen was made a part of the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was ratified? A I don't know.
- Q Can you give the name of your ancestor who lived in Mississippi? A No sir.
- Q You don't know the name of any of them? A No sir.
- Q You claim through your mother? A Yes sir.
- Q Her name is Mary Phillip? A Yes sir.
- Q Which parent does she claim through? A Father.
- Q What is his name? A Isaac Pijter.
- Q He is your grandfather? A Yes sir.
- Q Did he live in Mississippi? A I don't know.
- Q Through which of his parents did he claim his Choctaw blood?

A Mother.

- Q Through his mother? A Yes sir.
 Q Her name was Pointer what was her given name? A I don't know.
 Q Do you know if she lived in Mississippi in 1830? A I don't know.
 Q Is Isom Pointer living or dead? A He is dead.
 Q How old was he when he died? A I don't know.
 Q Where did he die? A In Texas.
 Q But you don't know the name of his father or mother? A No sir.
 Q Or anything about whether they lived in Mississippi? A No sir.
 Q Have you any evidence of the marriage of your father and mother?
 A No sir.
 Q Have you any documentary evidence that you would like to introduce now? A No sir.

A reasonable time will be allowed this applicant in which to present documentary evidence in support of her application also proof of the marriage of her father and mother.

- Q You cannot tell anything about your Choctaw ancestry? A No sir.
 Q Do you think you will be able to prove that by the introduction of this evidence? A Yes sir.
 Q Have you any relatives who have previously appeared before the Commission for identification as Mississippi Choctaws? A I don't know.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi? A I don't know.
 Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.
 Q Did any of them within six months after the treaty of 1830 was ratified go to the Indian Agent Colonel Ward and tell him that they intended to stay in Mississippi and take land and become citizens of the United States? A I don't know.
 Q Did any of them ever claim or receive any land under article fourteen of the treaty of 1830? A I don't know.
 Q Did they ever receive or claim any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed Co. Ward the Indian Agent in Mississippi to make a list of all the Choctaw Indians who came before him within six months from the ratification of said treaty and declared to him their intention of remaining in Mississippi and taking advantage of the provisions of article fourteen. The Indian agent failed to record the names of many Choctaws who did come before him and make declarations in accordance with article fourteen. This neglect on his part caused many Indians who had land upon which they owned improvements to lose both the land and the improvements and many complaints were made by the Choctaws as the result of this injustice done them., and Congress in 1837 appointed a Commission to go to the State of Mississippi and hear claimants under article fourteen of the treaty of 1830. This Commission went to the State of Mississippi and heard claimants under this article who came before it and made lists of all successful claimants. In 1842 another Commission was appointed for the same purpose.

- Q Now, did any of your Choctaw ancestors go before either of these Commission, that 1837 or the Commission or 1842 and claim rights under article fourteen of the treaty of 1830? A I don't know.

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The act of congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty and that his land had been taken from him he should be entitled to select land, either in Mississippi, Arkansas, Louisiana or Alabama to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A I don't know.
- Q Do you speak Choctaw? A No sir.
- Q Is there anything else that you would like to say in support of your claim? A No sir.
- Q How old is your mother? A Forty-two.
- Q She was born in Texas? A I don't know.
- Q She claims through who? A Her father.
- Q His name is? A Isaac Pointer.
- Q How old is he? A I don't know.
- Q He is dead? A Yes sir.
- Q How old was he when he died? A I don't know.
- Q You don't know anything about where your ancestors lived or their ages? A No sir.
- Q Are all the members of your family, your brothers and sisters those who have not testified yesterday here to-day? A Yes sir.

The applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, brown hair and light complexion. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830?

H. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 8th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

H. Rosenwinkel

Subscribed and sworn to before me this 30th day of November 1901.

Chas Mitchell Wood
Notary Public.

M.C.R., 3702.

COPY.

Muskogee, Indian Territory, April 21, 1902.

Levie Goldwell,

Simon, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Cowen, et al., embracing the following applications for identification as Mississippi Choctaws:

James Cowen, et al.....	M.C.R.	290
Nancy Jane Rowley.....	N.C.R.	403
Nathan Cowen.....	N.C.R.	817
Luster Cowen.....	M.C.R.	820
Daniel Cowen.....	M.C.R.	824
William Rowley.....	M.C.R.	826
James M. Pointer, et al.....	M.C.R.	3691
Saw J. Pointer, et al.....	M.C.R.	3692
Mary Phillips, et al.....	M.C.R.	3693
William M. Pointer, et al.....	M.C.R.	3703
Jonathan Cowen.....	M.C.R.	822
Celia Gulok, et al.....	M.C.R.	804
Levie Goldwell, et al.....	M.C.R.	3702.

Said decision, after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 22, 1898, (30 Stat., 494), is as follows:

L. C., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of James Cowen, Chester Cowen, Nancy Jane Rowley, Nathan Cowen, Luster Cowen, Daniel Cowen, William Rowley, James M. Pointer, Lola Pointer, Margaret Pointer, Willis Pointer, Lacy J. Pointer, Jewell V. Pointer, George Cerban Pointer, Mary Phillips, Leroy Phillips, Maudie Phillips, Lacy Phillips, Jennie Phillips, Ernest Phillips, Pearl Phillips, William R. Pointer, Johnnie V. Pointer, Otis Pointer, Johnathan Cowen, Gelia Quick, Joe Wilson, Daisy Quick, Frank Quick, Andrew Quick, Vestie Quick, Levi Caldwell and William Caldwell, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tams Bixby.*

Acting Chairman.

Register.

COPY.

M.O.B. 3702

Muskogee, Indian Territory, June 17, 1902.

Revie Caldwell,

Simon, Indian Territory.

Dear Madam:-

You are hereby advised that on the 3rd day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Bowen, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

SIGNED

James E. Kirby

Acting Chairman

No. 3702

For Identification as a Mississippi Choctaw.

Date OCT -8 1901

Name *Levie Caldwell*

Age 19 — Blood —

Post Office, *Simon, L. T.*

Father: *William Phillips, l*

Mother: *Mary " l*

Claims through *Mother* —

~~Husband~~
Cady A. Caldwell, w.
Cady
No claim for husband.

Children:

William " 2-

*claim for self &
children —*

Choctaw MCR 3703

William R. Pointer

See MCR 790

MCR 3703

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 9, 1901.

3703

In the matter of the application for identification as Mississippi Choctaws of William R. Pointer and his two minor children Johnnie and Otis Pointer.

J. E. Arnold representing applicant: No appearance by attorney.

William R. Pointer being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William R. Pointer.
Q What is your age? A Twenty-five.
Q What is your post-office address? A Simon, Chickasaw Nation, Indian Territory.
Q How long have you lived there? A Thirteen years.
Q Where did you live before that? A Van Zandt County, Texas.
Q A Yes sir.
Q What is your father's name? A John Pointer.
Q Is he living or dead? A Dead.
Q What is your mother's name? A Mary Pointer.
Q She living? A Yes sir.
Q Is the Mary Pointer who appeared before this Commission on October 7th for identification as a Mississippi Choctaw your mother? A No sir that was Mary Phillips.
Q Has she ever appeared before the Commission? A No sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Allie Pointer.
Q She is a white woman or Indian? A White woman.
Q You make any claim for her? A No sir.
Q Have you any children that you want to make application for? A I have two.
Q Give their names? A Johnnie W.
Q How old is he? A Four.
Q Next A Otis?
Q How old? A Two.
Q You claim for yourself and these two children? A Yes sir.
Q Allie Pointer is the mother of these two children? A Yes sir.
Q When and where were you married to your wife Allie? A At Simon.
Q When were you married to her? A Five years ago the 24th day of last July.
Q By a minister? A Yes sir.
Q Have you your marriage license and certificate with you? A A No sir not with me.
Q Have you proof of the marriage of your father and mother? A Yes but not with me.

- Q When were they married? A About thirty years ago.
 Q You don't know the date? A I have forgotten that.
 Q Where were they married? A In Van Zandt County.
 Q Texas? A Yes sir.

A reasonable time will be allowed this applicant in which to introduce proof of the marriage of his father and mother and of his own marriage to his wife Allie in support of the application for his children.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Did you ever make application for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896 to the Commission to the Five Civilized Tribes? A No sir.
 Q Were either you or your children ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes the United States Court in Indian Territory? A No sir.
 Q Do you now come before the Commission for the purpose of being identified yourself and your two minor children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
 Q You understand that article of the treaty? A I have heard it read several times I don't know whether I understand it.

The treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Tribe of Indians on the 27th day of September 1830. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them in Mississippi and part of Alabama to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evident that a great many Choctaws would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intend to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
 Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
 Q What was the name of your ancestor who lived in Mississippi in 1830? A I don't know.

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- Q Do you know whether any of your ancestors lived in Mississippi in 1830? A I do not.
- Q You claim through your father? A Yes sir.
- Q John Pointer, how much Choctaw blood did he have? A I don't know
- Q He claimed through which parent, father or mother? A Father I suppose. Yes father.
- Q What was his father's name? A Isom Pointer.
- Q Is he dead? A Yes sir.
- Q When did he die? A I don't know.
- Q Where did he die? A In Texas.
- Q How old was he when he died? A I don't know.
- Q Did he ever live in Mississippi? A I don't know.
- Q Can you state whether he got his Choctaw blood through his father or mother? A Through his mother I think but I am not sure.
- Q What was her name? A I don't know.
- Q You cannot give me any information regarding your Choctaw ancestors beyond your father? A No sir.
- Q And you don't know how much Choctaw blood he had? A No sir.
- Q Have you any relatives who appeared here before the Commission yesterday October the 7th? A Yes sir.
- Q What are their names? A James and Lacey Pointer and Mary Phillips.
- Q What relatives have appeared to day? A Lewis Coldwell.
- Q You want to have the evidence given in their cases considered with yours when your case is taken up for consideration? A Yes sir.
- Q Have you any relatives who have appeared before the Commission before yesterday for identification? A Yes but I can't give their names, I am not connected with them.
- Q Do you know if any of your relatives were recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 or prior to that time? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama and go with the other Choctaw Indians to the New Choctaw Nation Indian Territory between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to Colonel Ward the Indian Agent and tell him that they wanted to stay and take land there? A I don't know.
- Q Did they ever receive any land from the government as Choctaw Indians under article fourteen? A I don't know.
- Q Did they ever receive any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of the treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States government required that the Indian Agent Col. Ward who lived in Mississippi at that time in 1830 to make a list of all names of Choctaws who wanted to remain there and come before him and make declarations to that effect within six months after that treaty was ratified. Colonel Ward's register contains the names of only a few of all the Indians who did make such declarations before him within six months from the ratification of the treaty of eighteen hundred and thirty. As the result of this neglect many Indians lost their land and the improvements they had on it, and many complaints were made by the Choctaws, so that Congress in 1837 appointed a Commission which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of their names. In 1842 another Commission was appointed for the same purpose.

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- Q Did any of your Choctaw ancestors go before either of these Commissions and claim rights under article fourteen of the treaty of 1830, do you know? A No sir I don't know.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken from him he should be entitled to, receive and from any of the public lands in Mississippi, Arkansas, Louisiana or Alabama and that a certificate should be issued to him to that effect, these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
Q Have you any documentary evidence that you want to introduce now in support of your claim? A No sir.
Q Would you like time in which to introduce such evidence? A Yes.

A reasonable time will be allowed you in which to introduce documentary evidence in support of this application also for the introduction of testimony of witnesses in person, also proof of the marriage of your father and mother and your own marriage to your wife Willie.

- Q Is there anything more that you wish to say in support of this claim? A No sir.
Q Do you speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, light complexion and brown hair. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 8th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

Subscribed and sworn to before me this 30th day of November 1901.

G. Rosenwinkel
Charles Mitchell
Notary Public.

M.C.R. 3703.

COPY.

Muskogee, Indian Territory, April 21, 1902.

William R. Pointer,

Simen, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Owen, et al., embracing the following applications for identification as Mississippi Choctaws:

James Owen, et al.....	M.C.R.	306
Nancy Jane Howley.....	M.C.R.	307
Nathan Owen.....	M.C.R.	317
Luster Owen.....	M.C.R.	320
Daniel Owen.....	M.C.R.	324
William Howley.....	M.C.R.	326
James M. Pointer, et al.....	M.C.R.	3421
Lacy J. Pointer, et al.....	M.C.R.	3078
Harry Phillips, et al.....	M.C.R.	3493
William R. Pointer, et al.....	M.C.R.	3703
Jonathan Owen.....	M.C.R.	322
Collie Quirk, et al.....	M.C.R.	304
Levis Goldwell, et al.....	M.C.R.	3702

Said decision, after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first session of the act of Congress of June 25, 1898, (30 Stat., 496), is as follows:

W. R. P., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of James Cowen, Chester Cowen, Nancy Jane Rowley, Nathan Cowen, Luster Cowen, Daniel Cowen, William Rowley, James M. Pointer, Lola Pointer, Margaret Pointer, Willie Pointer, Lacy J. Pointer, Jewell V. Pointer, George Corban Pointer, Mary Phillips, Leroy Phillips, Mandie Phillips, Lacy Phillips, Jennie Phillips, Ernest Phillips, Pearl Phillips, William R. Pointer, Johnnie V. Pointer, Otis Pointer, Johnathan Cowen, Celia Quick, Jee Wilson, Daisy Quick, Frank Quick, Andrew Quick, Vestie Quick, Levi Caldwell and William Caldwell, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

James Bixby.
SIGNED

Acting Chairman.

Register.

COPY.

N.C.R. 3703

Muskogee, Indian Territory, June 17, 1902.

William N. Johnston,

Simen, Indian Territory.

Dear Sir:-

You are hereby advised that on the 3rd day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Cowen, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

Tamm Dixby.

Acting Chairman

No. 3703

For Identification as a Mississippi Choctaw.

Date OCT - 8 1901

Name William R. Pointer

Age 25 - Blood *dark, known*

Post Office, *Simon, I. T.*

Father: John Pointer, *d*

Mother: Mary " - *l*

Claims through father -
wife - Allie " *w.*

No claim for wife -

Children:

Johnnie V. Pointer, *4*
Otis " *2*

Claims for self &
children -

Stenographer *G. R. R. R. R. R.*

Choctaw MCR 3704
Jackson G. Flatt

MCR 3704

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE SEVEN CIVILIZED TRIBES.

In the matter of the application of Jackson G. Platt for
identification as a Mississippi Choctaw, H.C.B. 3704.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Jackson G. Platt.

(Page)

Original application of Jackson G. Platt before the Bureau Commission for identification as a Mississippi Choctaw	1
Marriage license of J. G. Platt and Susie Chamberlain ...	2
Affidavit of F. J. Burns	6
Certified copy of marriage license of Richard G. Murray and Jackson Platt	7
Decision of the Commission refusing the application of Jackson G. Platt for identification as a Mississippi Choctaw	8

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. October 8, 1901.

3704

In the matter of the application of Jackson G. Flatt for identification as a Mississippi Choctaw.

J. E. Arnold attorney representing applicant; No appearance by attorney.

Jackson G. Flatt being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Jackson G. Flatt, F-l-a-t-t.
Q What is your age? A Thirty-one.
Q What is your post-office address? A Simen, Indian Territory.
Q Chickasaw Nation? A Yes sir.
Q How long have you lived there? A Fifteen years.
Q Where did you live before you lived there? A In Texas.
Q What place in Texas? A Van Zandt County.
Q Were you born there? A Yes sir.
Q What is your father's name? A Jackson Flatt.
Q Is he living? A No sir.
Q What is your mother's name? A Rachel Flatt.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much do you claim? A I don't know.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
Q Are you married? A Yes sir.
Q What is your wife's name? A Susie Flatt.
Q Is she a white woman? A Yes sir.
Q You make any claim for her? A No sir.
Q Have you any children? A No sir.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you ever make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Is this the first application that you have ever made for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
Q You understand that treaty or article of that treaty? A No sir.
Q You know the treaty of 1830 was made between the United States and the Choctaw Indians for the purpose of getting the Choctaws who

lived in Mississippi and Alabama to come here to this present Choctaw Nation? A Yes sir.

That was the object of the government in making that treaty of 1830 with the Indians, to get them all to come to the new Choctaw Nation in Indian Territory so that they could live in their own tribal manner and be undisturbed by white people but a good many Indians did not want to leave Mississippi and Alabama, and would not leave, and so in order to protect their interests article fourteen was made a part of the treaty of 1830. It was not until this article was inserted in the treaty that they consented to remove. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestors who lived in Mississippi in 1830? A I don't know that.
- Q Did you have any relatives who came before the Commission, yesterday, October the 7th to be identified as Mississippi Choctaws? A Yes sir.
- Q What are their names? A James and Lacey Pointer and Mary Phillips
- Q They are all related to, you? A Yes sir.
- Q Have you any relatives who have appeared to-day October the 8th? A Yes sir. Levie Caldwell, and William R. Pointer.
- Q What relation are they to you? A They are third cousins.
- Q And what relation are these that appeared yesterday? A Second cousins.
- Q Do you want their testimony taken into consideration with yours in order that you may get the benefit of what they have testified to? A Yes sir.
- Q You claim through the same common ancestor? A Yes sir.
- Q But you don't know what his name is? A No sir.
- Q How do you know that you have any Choctaw blood at all? A Only through what they say.
- Q Have you any documentary evidence that you want to introduce now? A No sir.
- Q Do you think you can introduce evidence later to prove that you are the descendant of a Mississippi Choctaw ancestor? A I think so.
- Q Have you any proof of the marriage between your father and mother? A No sir.

A reasonable time will be allowed this applicant in which to introduce testimony to show that he is descended from a Mississippi Choctaw ancestor who complied with the fourteenth article of the treaty of 1830 also to introduce proof of the legal marriage of his father and mother.

- Q Do you know whether any of your Choctaw ancestors were recognized Choctaw Indians in 1830 and lived in Mississippi? A No sir.
- Q Did any of your Choctaw ~~ancestors~~ ancestors own any improvements on land in Mississippi in 1830 or any time before that? A I don't know.
- Q Did any of them go from Mississippi or Alabama from the old Choctaw Nation to the new Choctaw Nation Indian territory between 1833 and 1838? A I don't know.
- Q Did they within six months after the treaty of 1830 was ratified tell the United States Indian Agent that they intended to remain in Mississippi and take land there? A I don't know.
- Q As a matter of fact did any of your Choctaw ancestors ever receive or claim any land in Mississippi under article fourteen? A I don't know.
- Q Did they ever receive any land or benefits or claim any under any other article than article fourteen of the treaty of 1830 or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent who lived in Mississippi at that time was instructed and directed by the government to make a list of Choctaw Indian claimants who came before him within six months after the ratification of that treaty and told him that they wanted to take land there and stay there in Mississippi. This agent failed to record the names of a great many Indians who came before him and as the result of this neglect many Choctaw Indians who held land in Mississippi had that land taken away by the government and sold. This caused a great many complaints on the part of the Choctaws so that in 1837 Congress appointed a Commission to go to Mississippi, which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose. Both of these Commissions made lists of successful claimants under article fourteen.

- Q Did any of your Choctaw ancestors go before either of these two Commission and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q You never heard? A No sir.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty and that his land had been sold by the government, he should be entitled to select land elsewhere, either in Mississippi, Louisiana, Alabama or Arkansas to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
- Q You cannot offer any further testimony to show your Choctaw blood or your ancestry than what you have already given? A No sir.
- Q Do you speak the Choctaw language? A No sir.

Q Is there anything more that you want to say in support of your claim? A No sir.

The applicant has the appearance and physical characteristics of being descended from white parents. Gray eyes, dark complexion and brown hair. He does not understand the Chechen language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1864.

G. Rosenzweig being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled case on October 20th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on said date of October 1901.

Subscribed and sworn to before me this 20th day of November 1901.

Rosenzweig
Edw. Mitchell Neal
Notary Public.

J. F. W.
Cov.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jackson G. Platt for
identification as a Mississippi Choctaw, H.C.R. 2704.

--- D E C I S I O N : ---

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Jackson G. Platt for himself, under the following provision of the
act of Congress approved June 22, 1896 (29 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

It also appears that the said applicant claims rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descendant

of Jackson Platt, who is alleged to have been a Chester Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that the said applicant has never been enrolled by the Chester tribal authorities as a member of the Chester tribe, or admitted to Chester citizenship by a duly constituted court or committee of the Chester Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1906 (34 Stat., 221).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jackson Platt signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chester Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1897 (5 Stat., 160) and August 23, 1906 (5 Stat., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jackson S. Platt as a Chester Indian entitled to rights in the Chester lands.

under the provisions of said article fourteen of the treaty of
eighteen hundred and thirty six that the application for his restitu-
tion of said lands be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

SIGNED

J. G. B. B. B.
SPECIAL AGENT.

SIGNED

J. G. B. B. B.
SPECIAL AGENT.

SIGNED

C. R. E. C. H. I. R. I. D. G.
SPECIAL AGENT.

Washington, Indian Territory

OCT 18 1902

Muskogee, Indian Territory, October 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jackson G. Platt, applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jackson G. Platt as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

--2--

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

COPY.

M. C. R. 3704.

Muskogee, Indian Territory, October 18, 1902.

Jackson G. Platt,

Simon, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jackson G. Platt, applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jackson G. Platt as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

--2--

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. H. H. H.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jackson G. Flatt, applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 18, 1902.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicant in this case is related to the applicants in the consolidated Mississippi Choctaw case of James Cowen, et al., decision in which was rendered by the Commission on April 15, 1902, and approved by the Secretary on June 3, 1902.

Respectfully,

James D. Dyer

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. H. C. R. 3704.

Land
67765-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, January 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit herewith for your consideration, record of the Commission to the Five Civilized Tribes, in the matter of the application of Jackson G. Flatt, for identification as a Mississippi Choctaw, wherein a decision adverse to the applicant was rendered by the Commission on October 18, 1902.

The applicant in this case applied for enrollment at about the same time as the parties in the consolidated case of James Cowen, and others which was decided by the Department on June 3, 1902, (I.T.D. 2967--1902). He asked at that time that the evidence taken in this case be considered in connection with his case as to ancestry; he was unable himself to give the name of the ancestor from whom he descended, but whom he claims was a member of the Choctaw tribe of Indians in Mississippi in 1830, and who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty. The ancestors under whom the parties claimed in that case were Samuel Cowen or Cowan, and Mary Cowen, nee Miller, his wife, and Isaac Pointer.

The Commission rejected the applicant in this case on the ground that the name of his father, Jackson Flatt, did not appear among the names of those Choctaw Indians who complied or attempted

:---2---:

to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

As was reported by this office on May 3, 1902 in the case of James Cowen and others the names of Samuel Cowen or Cowan and Mary Cowan or Mary Miller and Isom Pointer do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830 as shown by the records of this office, neither does the name of Jackson Flatt appear among the names of those persons who complied or attempted to comply with the 14th article of the treaty. This being the condition of the record it is evident that the decision of the Commission rejecting the parties was correct and I recommend that it be approved.

Very respectfully,

W.A. Jones,
Commissioner.

H.B.H. (H.)

D.C. 5462

C O P Y.

J.W.H.

DEPARTMENT OF THE INTERIOR.

FHE.

W A S H I N G T O N.

I.T.D. 860-1903

February 20, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application of Jackson G. Flatt (M.C.R. 3704), for identification as a Mississippi Choctaw including your decision of October 18, 1902, refusing to identify him as such.

This applicant is the son of Jackson and Rachel Flatt; he obtains his Choctaw blood from the former. He is unable to state the names of his more remote ancestors, but claims that he is related to the parties in the consolidated case of James Cowen, et al., which was decided by the Department on June 3, 1902.

It seems that the ancestors under whom the parties in that case claimed, were Samuel Cowen (or Cowan) and Mary Cowen, nee Miller, his wife and Isom Pointer.

The testimony as furnished by the record fails to show that the applicant or any of his alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the government in your possession as well as those at the Indian Office fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts.

:---2---:

The Department is therefore of the opinion, in view of the testimony now before it, that this applicant has failed to establish his claim.

Reporting in the matter January 20 , 1903, the Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in ~~his~~ recommendation, and your decision is accordingly affirmed.

respectfully,

THOS. RYAN.
Acting Secretary

1 inclosure.

COPY.

H.C.R. 3704.

Muskogee, Indian Territory, March 5, 1903.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Jackson G. Platt for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

SIGNED:

James F. Faxon

Chairman.

M.C.R. 3704.

COPY.

Muskogee, Indian Territory, March 5, 1903.

Jackson G. Flatt,

Simon, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Cheetaw, of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

COPY.

Tamr Bixby.
Chairman.

CARD NO.

NAME

RESIDENCE-DISTRICT

POST OFFICE

AGE

3704

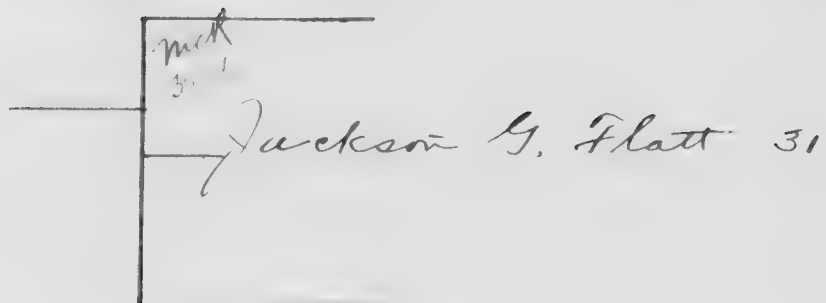
REFER TO M. C. R. 790

James Cowen et al

Supplemental

Supplemental to meck 790

Jackson Flatt, dead
 wife
Rachel Flatt, dead



Applicant does not trace descent further than to his father, but states that he is a second cousin of James Pointer, et al., who are included in consolidated case of James Cowan, et al., meck 790, and that he relies upon testimony introduced by them.

No. 3704

For Identification as a Mississippi Choctaw.

Date OCT -8 1901

Name Jackson G. Flatt

Age 31 - Blood not known

Post Office, Union, D. T.

Father: Jackson Flatt, d.

Mother: Rachel " d.

Claims through father -
wife, Susie " w.

No claim for wife

~~Child~~

Claim for wife
alone -

G. R. [Signature]

Choctaw MCR 3705

Lula L. Perry

See MCR 3632

MCR 3705

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 8, 1901.

3708

In the matter of the application of Lula L. Perry for the identification of herself and her two minor children as Mississippi Chestaws.

No attorney for applicant.

Lula L. Perry being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lula L. Perry.
Q What is your age? A Twenty three.
Q What is your post office address? A Sherman, Texas.
Q What is your street number? A 926 N. Pecan Street.
Q How long have you lived in Sherman? A Ten months.
Q Where did you live before that? A Out in the country near there.
Q How long did you live there? A Two years.
Q Where did you live before that? A Palo Pinto County, Texas.
Q How long did you live in Palo Pinto County? A Ten years.
Q Where were you born? A In Hill County, Texas.
Q Have you always lived in Texas? A Yes sir.
Q What is your father's name? A Jesse Teaff; T-e-a-f-f.
Q Is he living? A No sir.
Q What is your mother's name? A Emma Teaff.
Q Is she living? A Yes sir.
Q She came before the Commission last week? A Yes sir.
Q What day was that? A Last Wednesday a week ago.
Q You claim through your mother? A Yes sir.
Q How much Chestaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Chestaw tribe of Indians by either the Chestaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A James Perry.
Q Is he a white man or Indian? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children? A Yes two.
Q What is the name of the eldest? A James W. Perry.

- Q How old is he? A He will be four years old in March; he is three years old now.
- Q Next? A Clarence C. Perry.
- Q How old is he? A He is nineteen months old.
- Q Is that all the children? A Yes sir.
- Q You claim for yourself and children? A Yes sir.
- Q Is James Perry the father? A Yes sir.
- Q You are the mother of these children? A Yes sir.
- Q They are living with you at your home? A Yes sir.
- Q When and where were you married to him? A I was married in 1895 in Palo Pinto County, Texas? A Yes sir.
- Q By a minister and under a license? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for yourself or children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Have you made application for citizenship in the Choctaw Nation to the Dawes Commission under Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation you or your children by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.
- Q Is this the first application you have ever made of any kind either the United States authorities or the Choctaw tribal authorities? A Yes sir.
- Q You claim through your mother, Emma Teaff? A Yes sir.
- Q How much did she have? A One eighth.
- Q She claimed through--? A Father.
- Q What was his name? A Calvin Ussery.
- Q He claimed through which parent, father or mother? A Father.
- Q And what was his name? A Conkey Ussery.
- Q What ancestor lived in Mississippi in 1830, if any? A I don't know.
- Q Do you now appear before the Commission for the purpose of claiming lands in the Choctaw Nation, Indian Territory, and for the purpose of identifying your children and yourself under article fourteen of the treaty of 1830? A I don't understand.
- Q Do you now claim the right to be identified under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the Choctaw Indians and the United States Government at Dancing Rabbit Creek in Mississippi on the 27th day of September of that year for the purpose of removing all the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation, Indian Territory. It became evident before the treaty was signed that a great many Choctaw Indians wouldn't go to the Territory and so in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification

of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if to they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Did you give me the name of your ancestor, your relative, who lived in Mississippi in 1830? A No sir, I don't believe I did.

Q Do you know if any of your ancestors, your kin-people, lived in Mississippi at all? A No sir.

Q Did any of your Choctaw ancestors own any improvement on land in Mississippi in 1830 or any time before that? A Not that I know of.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, in 1833 to 1838?

A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Col. Ward that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of them ever claim or receive land under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them ever claim or receive land or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government directed the Agent in Mississippi, Col. Ward to register the names of those Choctaws who desired to remain in Mississippi and become citizens of the States; the records of the Government show that this agent failed to record the names of many Choctaws who did signify their intention to remain in Mississippi and take advantage of the provisions of Dancing Rabbit Creek Treaty; on this account many of the Indians had their lands taken from them and sold; the complaints of the Indians were so numerous that Congress in 1837 appointed a Commission which was ratified March 3, 1837; this Commission went to Mississippi and heard claimants under article fourteen and made lists of all the claimants. In 1842 another Commission was appointed for the same purpose; they made lists of all Choctaw claimants whose claims were proved.

Q Did any of your ancestors appear before either of these Commissions and claim rights under article fourteen of the treaty?
A I don't know.

The Act of Congress approved August 23, 1842, provided that if a claimant who appeared before it and proved his claim under article fourteen and if it further appeared that his land had been taken away from him that he should be entitled to select land in Alabama, Arkansas, Louisiana or Mississippi, and that he should receive a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government as Chestaw Indians? A Not that I know of.

Q Have you any documentary evidence of any kind that you want to present now? A No.

Q Have you any proof of the marriage of your father and mother or any evidence to offer proving their legal marriage? A No sir.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of the claim she makes for self and children; also evidence of the marriage of the father and mother.

Q Do you speak the Chestaw language? A No sir.

Q Is there anything more you want to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white people; blue eyes, light complexion blonde hair; she does not understand the Chestaw language and has no knowledge of the compliances on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Q Can you give me the name or names of any of your kin folks who have appeared before the Commission; your mother has, and you have given me her name. A Our cousin James J.F. Usary.

Q Anybody else? A Not that I know of.

Q What is your sister's name? A Ella Perry.

Q When did she come here? A With mother.

Q Do you want the testimony of those of your kin folks who claim to be descended from the same common ancestor with you to be considered with yours so that you can get the benefit of what they have testified to? A Yes sir.

Henry S. Hains being duly sworn on his oath states that as stated

grapher to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hauns

Subscribed and sworn to before me this 29 day of October, 1901.

Clara Mitchell Wood
Notary Public.

(11)DV

Muskogee, Indian Territory, October 11, 1902 .

Lula L. Perry,
926 East Pecan Street,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 11th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse P. Ussery, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Emma Teaff, et al.,	M.C.R. 3633
Ella Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3705
Claude Ussery,	M.C.R. 3638
Charley Ussery, et al.,	M.C.R. 3637

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the

L.L.P.---2

evidence herein is insufficient to determine the identity of Jesse P. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Matilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Dewey Ussery, Dolle L. Ussery, John M. Ussery, Harry H. Ussery, Emma Teaff, Walter L. Teaff, Minnie L. Hix, Ella Perry, Lula L. Perry, James W. Perry, Clarence C. Perry, Claude Ussery, Charley Ussery, Edward M. Ussery and Albert Ussery as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

Commissioner in Charge

Registered.

Muskogee, Indian Territory, December 23, 1902.

Lela L. Perry,
926 East Pecan Street,
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse P. Ussery, et al., of which decision you were advised by registered mail on the 11th day of October, 1902.

Respectfully,

RECORDED

Acting Chairman.

No.

3705

For Identification as a Mississippi Choctaw.

Date OCT -8 1901

Name Lula L. Perry -

Age 23 - Blood 1/16

Post Office, Sherman, Texas

Father;

Jesse ^{926 2nd Perry St -}
Deaf -

Mother:

Emma " -

Claims through

husband

Mother -
James Perry - w.

No claim for husband

Children:

~~7~~ James W. Perry, 3

Clarence C. 19m.

Claims for self
& children -

Stenographer

H. H. Harris

Choctaw MCR 3706

Marion Leatherwood

MCR 3706

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Marion Leatherwood,
et al., for identification as Mississippi Choctaws, M.C.R. 3706.

I N D E X -----

List of papers forwarded to the Secretary of the Interior, comprising
the record in the case of Marion Leatherwood, et al., M.C.R. 3706.

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Original application of Marion Leatherwood, et al., to the Davis Commission for identification as Mississippi Cho- ctaws,	1
Decision of the Commission refusing the application of Marion Leatherwood, et al., for identification as Missis- sippi Choctaws,	7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ALBUQUERQUE, N.M., October 2, 1901.

2700

In the matter of the application of Marion Leatherwood for the identification of himself and his six minor children as Mississippi Choctaws.

No attorney for applicant.

Marion Leatherwood being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Marion Leatherwood; M-a-r-i-o-n.
Q What is your age? A Fifty, I reckon; I can't testify about that; our family was broken up—my father was killed in the War.
Q What is your past office address? A Honeygrove, Texas.
Q How long have you lived there? A I have been there about twenty five years.
Q Where were you before that? A Georgia.
Q Were you born in Georgia? A Yes sir.
Q And always lived there? A Well, I have been in Tennessee and Alabama.
Q How long were you in Alabama? A A year.
Q How long in Tennessee? A A year or so.
Q But you lived most of your time in Georgia till you moved to Texas? A Yes sir.
Q How long have you lived in Texas continuously? A Since '74.
Q Near Honeygrove? A Yes sir.
Q What is your father's name? A George W. Leatherwood.
Q Is he living or dead? A Dead.
Q What is your mother's name? A Malinda Leatherwood.
Q Is she living? A No sir.
Q Through which parent do you claim your Choctaw blood? A Well, father, I reckon; he could talk it I reckon; he could talk Indian language. I can't talk it.
Q Well, I don't know you till then? A Father, I reckon.
Q Is your name? A I reckon I am.
Q I don't want you to know. A Well, father; for I need him with me.
Q Well, if you don't know, say so. A Father
Q You claim through your father, do you? A Yes sir.
Q You can't claim through your mother? A No sir.
Q How much Choctaw blood do you claim? A I don't tell you.

Q Has your father ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by either the Cheetaw tribal authorities or the authorities of the United States in Indian Territory? A No sir.

Q Are you married? A No sir; yes sir, I am.

Q What is your wife's name? A Sarah Leatherwood.

Q Is she a white woman? A Yes sir.

Q You make no claim for her? A No sir.

Q Have you children you want to apply for? A Yes sir.

Q Give me the name of the oldest under twenty one years of age and unmarried? A Walter.

Q How old is he? A Twenty.

Q Next? A Tillman; T-i-l-l-m-a-n.

Q How old is he? A Sixteen.

Q Next? A Willie Leatherwood.

Q Boy? A Yes sir; he is thirteen.

Q Next? A Pearlle Leatherwood; P-e-a-r-l-l-e.

Q A girl? A Yes sir; twelve years old.

Q Next? A Elmer.

Q How old? A Six.

Q Is that all? A One; baby boy. Harman, two years old.

Q H-a-r-m-a-n? A Yes sir.

Q Is your wife, Sarah, the mother of these children? A Yes sir.

Q You are the father? A Yes sir.

Q They are all living with you at your home? A Yes sir.

Q When and where were you married to your wife, Sarah? A Lamar County, Texas.

Q When? A In 1878.

Q What day of the month? A The 12th. of November.

Q Were you married by a license and minister? A Yes sir.

Q Have you your marriage license and certificate here with you?

A No sir.

Q Have you proof of marriage of your father and mother with you?

A No sir.

Q Were they married by a minister, do you know? A Well, I suppose they were.

Q You don't know about that? A No sir.

Q You are not able to prove their marriage now? A No sir.

Reasonable time will be allowed you to introduce proof of your own marriage to your wife and the marriage of your father and mother.

Q You claim for yourself and these children do you? A Yes sir.

Q Is your name or the name of these children on any of the tribal rolls of the Cheetaw Nation in the Indian Territory? A Yes sir.

Q They are on the tribal rolls of the Cheetaw Nation in the Indian Territory? A No sir; they are not.

Q Have you ever made application for yourself and children to the Cheetaw tribal authorities for citizenship in the Cheetaw Nation? A No sir.

Q Did you ever make application for yourself or children for citizenship in the Cheetaw Nation to the Commission to the Five Civilized Tribes under Act of Congress of June 16, 1896? A No sir.

Q Were you ever admitted to citizenship in the Choctaw nation or your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.

Q Did you ever make application before this time for yourself or children for citizenship in the Choctaw nation either the Choctaw tribal authorities or the United States Authorities? A No sir.

Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I don't know whether I do or not.

In 1830 the Treaty of Dancing Rabbit Creek was entered into between the Choctaw Indians who lived in Mississippi and Alabama at that time and the United States Government; the Indians who live in what was called the old Choctaw nation. That treaty was made to get the Choctaw Indians to go from the old Choctaw Nation to the new Nation in Indian Territory; before the treaty was signed it became positively known that a great many Choctaw Indians would not go to the Indian Territory and in order to protect their interests article fourteen was put into the treaty: article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States ~~shall~~ for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's article fourteen of that treaty; you understand that? A I don't know; I reckon I do.

Q You think you understand it now? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty as read to you? A I have been told that they have; I can't testify to that; I don't know whereabouts they are or of what tribe.

Q Were any of your Choctaw ancestors living in Mississippi in 1830 when that treaty was ratified? A I suppose.

Q Do you know? A No.

Q Who told you? A My uncle told me so; he said we was out off from the treaty of Mississippi.

Q What does he mean? A I don't understand.

Q Did any of your Choctaw ancestors own any land in Mississippi in 1830 or any time before that? A I suppose so. Well, I will say no sir.

Q Don't guess or suppose; you don't know anything about that, then? A No sir.

Q Did you ever hear that they owned land in Mississippi or Alabama? A Yes sir. My uncle told me.

Q What did he say? A He said we had relatives in both places.

Q Where? A In Mississippi.

Q I asked you if any of your ancestors owned any improvements on land in Mississippi or Alabama in 1830? A No.

Q But you said yes a minute ago? A Well, that's what I have been told.

Q What have you been told? A This uncle of mine, John Leatherwood, told me that we had folks there.

Q That's not an answer to the question; I asked you if any of your ancestors had land in Mississippi or improvements--? A Well, he told me they was there, and had land there.

Q Who was there? A Quil Leatherwood.

Q Who was he? A A Cousin of my father.

Q Well, he wasn't an ancestor. A Wasn't he?

Q An ancestor is your grandfather or grandmother, father or mother, great grandfather or mother, and so on in a direct line of descent. Now did this uncle, John Leatherwood, tell you that any of your ancestors, going back in a direct line either on your father's or mother's side, owned any improvements on land in Mississippi or Alabama? A No sir.

Q But he did tell you that a cousin had land there in 1830? A Yes sir.

Q What was the name of your ancestor who lived in Mississippi in 1830? A I have been told Quiller Leatherwood.

Q What kin was he to you? A I reckon he was third cousin of mine.

Q I asked for an ancestor; I have explained that an ancestor was somebody you are descended from in a direct line. You are claiming through your father? A Yes sir.

Q What is your father's name? A George W. Leatherwood.

Q How much Choctaw blood did he have? A I don't know.

Q How do you know he had any? A I have heard my father and uncle Kehn tell me; he said he did have the one kind.

Q Did you ever hear that he had Choctaw blood? A Only had 1 unless John tell.

Q Did your father tell you? A No sir.

Q How old is your uncle John? A He is dead; he was near fifty; he is not living.

Q But he would be about fifty if living? A Yes sir.

Q When did he die? A Several years ago; he was killed in Alabama.

Q Your father claimed his Choctaw blood through which parent, father or mother? A father.

Q What was his father's name? A Reuben Leatherwood.

Q He claimed his Choctaw blood through which parent; father or mother? A I can't tell you.

Q Can you go back any farther than Reuben Leatherwood? A No sir.

Q That's your grandfather? A Yes sir.

Q Did he live in Mississippi? A No sir; never did; no firm not that I know of.

Q Did your father? A No sir.

Q Who of your ancestors lived in Mississippi? A I don't know.

Q It don't make any difference how many cousins, first, second or third or uncles or any in this line who were; you have got to show the Commission, if you can, that an ancestor from whom you are directly descended lived in Mississippi? A I can't do that.

Q Do you think you can, if given time? A I suppose so.

Q non't suppose; if you think so I will give you time. A Well.

Q You have no such testimony with you now? A No sir.

Q You have no testimony as to the legal marriage of your father and mother or your own marriage to your wife? A No sir.

A reasonable time will be allowed this applicant in which to introduce documentary evidence in support of this application for yourself and children and also to prove that he is descended from a Mississippi Choctaw ancestor who lived in Mississippi in 1830 and was the head of a family at that time and complied with the provisions of the fourteenth article of the treaty of 1830, if possible; also time to furnish proof of the marriage of his father and mother and of his own marriage to his wife Sarah.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama the old Choctaw nation to the new Choctaw nation between 1833 to 1838? A No.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 tell the United States Indian Agent Col Ward that they intended to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors claim any land or receive any under article fourteen of the treaty of 1830? A I don't know.

Q Did they receive any land or claim any rights or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A Not as I know of.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government directed the United States Indian Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that this agent failed to record and report to the Government the names of many Choctaws who did signify their intention to remain and take advantage of the provisions of article fourteen of that treaty. On account of this neglect a great many Indians who lived in Mississippi there had their land taken from them by the Government and sold at Public Land Sale; this induced Congress to appoint a Commission in 1837; this Commission went to Mississippi and heard Choctaw claimants who claimed under article fourteen. These Commissioners made lists of those claimants whose claims were allowed. In 1842 another Commission went to Mississippi appointed for the same purpose and they also made lists of the successful claimants under article fourteen.

Q Did any of your ancestors go before the Commission of 1837 or 1842 and claim rights under article fourteen of the treaty?
 A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, Alabama, Arkansas or Louisiana to be taken from vacant Government land and that a certificate should be issued to that effect to him.

These certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A No sir.

Q Have any of your kin folks previously appeared before the Commission? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to say in support of this claim? A No sir.

Applicant has the appearance and physical characteristics of being descended from white parentage. Has black eyes, dark hair and dark complexion. Has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 29th day of October, 1901.

Clara Mitchell Wood
 Notary Public.

J.W.L.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Marion Leatherwood,
et al., for identification as Mississippi Choctaws, M. C. R. 3706 .

----- D E C I S I O N -----

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Marion Leatherwood for herself and her six minor children, Walter, Tillman, Willie, Pearlis, Elmer and Herman Leatherwood, under the following provision of the act of Congress approved June 26, 1896 (54 Stat., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to hear and may administer oaths, examine witnesses and perform all other acts necessary thereby and then report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of one Reuben Leatherwood, who is alleged to have been a Chectaw Indian (degree of blood not stated).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Chectaw tribal authorities as a member of the Chectaw tribe, or admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Reuben Leatherwood, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Marion

-3-

Leatherwood, Walter Leatherwood, Tillman Leatherwood, Willie Leatherwood, Pearlis Leatherwood, Elmer Leatherwood and Harmon Leatherwood, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY

James D. Dickey.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

WITNESSES

C. R. Brockinridge.

Commissioner.

Muskogee, Indian Territory.

DEC 8 1902

COPY

M.C.R. 3706.

Muskogee, Indian Territory, December 3, 1902.

Marion Leatherwood, *Remailed April 24-03 to*
Honey Grove, Texas. *Sarah Leatherwood, same*
Dear Sir:- *address.*

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Marion Leatherwood, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Marion Leatherwood, Walter Leatherwood, Tillman Leatherwood, Willie Leatherwood, Pearlle Leatherwood, Elmer Leatherwood and Harmon Leatherwood, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

M.L. #2.

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED

Tams Bixby.

Acting Chairman.

COPY

M.C.R. 3706.

Muskogee, Indian Territory, December 3, 1902.

Manfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Marion Leatherwood, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Marion Leatherwood, Walter Leatherwood Tillman Leatherwood, Willie Leatherwood, Pearlle Leatherwood, Elmer Leatherwood, and Harmon Leatherwood, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Marion Leatherwood, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

I. B. Needles.

COMMISSIONER IN CHARGE.

~~Acting Chairman.~~

Through the
Commissioner of Indian Affairs.

Enc.: M.C.R.3706.

(COPY)

Land
75923-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

February 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Marion Leatherwood, for herself and six children, Walter, Tillman, Willie, Pearlle, Elmer and Harmon Leatherwood, wherein a decision adverse to the applicants was rendered by the Commission on December 3, 1902.

It appears from the evidence in this case that the applicants make their claim to identification by reason of their descent from Reuben Leatherwood, who, it is claimed, was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that Reuben Leatherwood or an ancestor less remote, ever com-

plied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the name of Reuben Leatherwood does not appear in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tonner

Acting Commissioner.

E. B. H. H'r.

3 enclosures.

(COPY)

D.C.No.7001-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

EAF.

ITD.1662-1903.

L R 8

March 10, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Marion Leatherwood and her minor children, Walter, Tillman, Willie, Pearlle, Elmer and Harmon Leatherwood, including your decision of December 3, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Reuben Leatherwood, who is alleged to have been a Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Reuben Leatherwood or an ancestor less remote complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting February 14, 1903, recommends approval of your decision. A copy of his letter is inclosed.

Finding no reason to modify your decision, the Department affirms the same.

Respectfully,
(Signed)

V. L. Campbell,
Acting Secretary.

1 inclosure.

M.C.R. 3708

30000
Muskogee, Indian Territory, March 20, 1903.

Marion Leatherwood,

Honey Grove, Texas.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Marion Leatherwood, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

Tamie Dixby.
Chairman.

M.C.R. 3708

Muskogee, Indian Territory, March 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Marion Leatherwood, et al., of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully,

Tame Birtly.

Chairman.

Muskogee, Indian Territory, April 24, 1903.

Sarah Leatherwood,

Honeygrove, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state "In answer to the letter that you wrote to Marion Leatherwood I have just received, I thought I would answer it as Marion is dead. He died December the 18 1902. If he ever got any registered letter we never knew it." You ask if there is any chance now for his children to get their rights.

In reply you are advised that on December 3, 1902, the Commission rendered its decision refusing the application made by Marion Leatherwood for the identification of himself and his minor children, Walter, Tillman, Willie, Pearlle, Elmer and Harmon Leatherwood as Mississippi Choctaws, and on the same date he was notified of such action by registered mail. Said letter was returned to this office as "unclaimed" and has this day been remailed you at Honeygrove, Texas.

You are further advised that the Secretary of the Interior, on March 10, 1903, approved the decision of the Commission refusing the application of Marion Leatherwood for the identification of himself and minor children as Mississippi Choctaws. The Commis-

E L 2

sion now considers this case closed.

Respectfully,

Commissioner in Charge.

No. 3706

For Identification as a Mississippi Choctaw.

Date OCT - 8 1901

Name Marion Leatherwood

Age 50 — Blood don't know.

Post Office, HONEYROCK, Tex.

Father, George W. " d

Mother, Malinda " d

Claims through father, —
wife, Sarah " w.

No claim for wife —

Children:

Walter Leatherwood	20.
Tillman "	16
Willie "	13
Pearlie, girl	12
Elmer — "	6
Harmon "	2

Claims for self &
children —

Signature H. H. Hamlin.

Marion Leatherwood

R. 3706

et al

REFUSED

DECISION RENDERED. [illegible] 1902

NOTICE OF DECISION MAILED APPLICANT

DEC 3 - 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

DEC 3 - 1902

RECORD FORWARDED DEPARTMENT

DEC 19 1902

ACTION APPROVED SECRETARY OF INTER

MAR 10 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 20 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

MAR 20 1903

Choctaw MCR 3707

Felix F. Moore

See MCR 3540

MCR 3707

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October, 8, 1901.

5707

In the matter of the application of Felix F. Moore for the identification of himself and five minor children as Mississippi Choctaws.

Applicant represented by B.S. Johnson; no appearance by attorney:

Felix F. Moore being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Felix F. Moore.
Q What is your age? A Thirty three.
Q What is your post office address? A My present address? Ark, Smith County, Texas.
Q How long have you been at Ark? A Well, about nine months. I moved there last November.
Q Where were you before you went to Ark? A Rusk County, Texas. I was born and raised in Rusk County, Texas.
Q What is your father's name? A Seaton Moore. S-e-a-t-o-n.
Q Has he been before the Commission? A No sir. He had not; only through us.
Q Is he living? A No; dead.
Q What is your mother's name? A Lavinia Moore.
Q Has she been before the Commission? A No sir.
Q Is she dead? A Yes sir.
Q You claim through which parent? A Through my father.
Q How much Choctaw blood do you claim? A About an eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir; I think not.
Q When and where were your father and mother married? A I don't know sir.
Q Were they married by a minister, do you know? A No sir, I don't.
Q You know nothing about their marriage? A Only what I have been told by elder members of the family; they were married in Trinity County, Texas.
Q You don't know when? A No sir.
Q You think you can produce evidence of their legal marriage? A Yes sir.
Q Are you married? A Yes sir.

- Q What is your wife's name? A Mary A. Moore.
- Q Is she a white or Indian woman? A White.
- Q Make any claim for her? A No sir.
- Q Have you children you want to make application for? A Yes sir.
- Q What is the name of the eldest? A Walter L.
- Q How old is he? A Eleven in November.
- Q Next? A Nona V. (N-o-n-a).
- Q What's a girl? A Yes sir.
- Q How old is she? A Nine.
- Q Next? A Mary E.
- Q How old? A Four.
- Q Next? A Leta B.
- Q How old? A Two years old.
- Q Next? A Janice M. (J-a-n-i-c-e.) She is an infant about six months.
- Q Is Mary A. Moore the mother of these children? A Yes sir.
- Q You are the father of all these children? A Yes sir.
- Q And they are living with you at your home? A Yes sir.
- Q When and where were you married to your wife, Mary A. Moore?
- A At Henderson, Rusk County, Texas, twelve years the 15th. next January.
- Q By a minister and under a license? A Yes sir.
- Q Have you your marriage license and certificate with you? A No sir.
- Q You think you could produce them if given time? A Yes; a cousin of mine was to get them for me and he failed to get off.
- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I have three brothers that have lately applied.
- Q I mean are they on the Choctaw rolls? A No sir.
- Q -put there by the Indians? A No sir.
- Q You are not a member of the Choctaw tribe, not your children?
- A No sir.
- Q Did you ever make application for yourself or children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory?
- A No sir.
- Q Is this the first application you have ever made for yourself and children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities?
- A Yes sir.
- Q You now make application for identification as Mississippi Choctaws for yourself and children under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes, I think I do.
- Q Do you care to have it explained to you? A Well, it doesn't matter.
- Q Well, it will be explained to you if you wish? A Alright.

The treaty of 1830 was entered into in Mississippi at a Place called Dancing Rabbit Creek September 27, 1830 and was made between the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama at that time and the United States Government. The object of that treaty was the removal of all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation Indian Territory; but before the treaty was signed and ratified it became evident that a great many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory. In order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall he be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of Choctaw citizens, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that article fourteen of the treaty of 1830 as read to you? A I don't know sir.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Yes sir.
- Q What was the name of your ancestor who lived in Mississippi in 1830? A Nancy Moore.
- Q Was she the Choctaw Indian through whom you claim your Choctaw blood? A Yes sir.
- Q What was her husband's name? A John Moore.
- Q He was a white man? A Yes sir.
- Q What kin was she to you? A Great grandmother.
- Q Could she speak Choctaw? A I don't know.
- Q Did she have any other name than that- did she have an Indian name? A Fulton, I believe.
- Q That would be an English name; I mean did she have an Indian name? A That's all I know.
- Q Fulton was her family name? Before she married? A yes sir.
- Q She lived in Mississippi in 1830? A Yes sir.
- Q You claim through your father? A Yes sir.
- Q He is dead; how old was he when he died? A About sixty years.
- Q When did he die? A About thirteen years ago.
- Q He was born then just a little before 1830; he would be now 73 years old; he would be about two years old in 1830? A Yes sir.

Q Was born in Mississippi was he? A Yes sir.
 Q He claimed through which parent? A Through his father.
 Q Was his father living when he was born? A Yes sir.
 Q Then his father was the Choctaw ancestor that was living in Mississippi in 1830 and head of a family at that time? A Yes sir.
 Q And his mother was Nancy Moore? A Yes sir.
 Q What was your father's father's name? A Silas Moore.
 Q He lived in Mississippi in 1830? A Yes sir.
 Q And was the head of a family at that time? A Yes sir.
 Q Do you know whether he complied with any of the provisions of article fourteen; that is, did he go to the United States Indian Agent within six months after the ratification of the treaty and tell him that he wanted to stay in Mississippi and take land there?
 A I don't know sir.
 Q Did he claim or receive any land in Mississippi in 1830 under article fourteen of the treaty? A I don't know sir.
 Q Do you know whether his mother, Nancy Moore, did? A No sir, I don't.
 Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory between 1833 to 1838 with the other Indians?
 A I don't know.
 Q Do you know whether your grandfather, Silas Moore or his mother Nancy, received any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir.
 Q What kin have you had come before the Commission? A I have three brothers. Simpson M. Moore and Walter and J.R. Moore; they have been here.
 Q Brothers? A Yes sir.
 Q When did they come before the Commission for identification?
 A About two weeks ago.
 Q Here at Atoka? A Yes sir.
 Q Any others? A Mollie Pirtle.
 Q That's a cousin of yours? A Yes sir. Then, John Quaid and his father, Ben Quaid.
 Q Any others you can think of? A No sir.
 Q These all claim through the same common ancestor that you do, Silas Moore and his mother, Nancy? A Yes sir.
 Q You want their testimony to be considered with yours so that you may get the benefit of what they have testified to in your case? when your case is examined? A Yes sir.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the United States Indian agent Col. Ward who lived in Mississippi at that time was directed by the Government to make a list of all Choctaw claimants who came before him within six months after the treaty and declared their intention to remain in Mississippi and take land there. Col. Ward took the names of but comparatively few of the Indians who did this and as a result of his neglect a great many Choctaw Indians who were living on lands in Mississippi upon which they had improvements had lands and improvements taken away from them. This led to a great many complaints among the Indians and in 1836 Congress by an Act which was approved March 3, 1837, appointed a Commission and this Commission went to Mississippi and heard claimants under article fourteen of the treaty and made lists of the successful claimants.

In 1842 another Commission was appointed by Congress to do similar things in Mississippi and the appointment was approved August 23, 1842. They made lists of Mississippi Choctaw claimants, also of those who were successful.

Q Did any of your ancestors appear before either of these Commissions, the one of 1837 or that of 1842 and claimed benefits under article fourteen? A I don't know sir.

The Act of Congress approved August 23, 1842, provided that if any claimants came before it and proved their claims under article fourteen and it appeared that his land had been taken from him that he should be entitled to select land elsewhere in Arkansas, Alabama, Louisiana, or Mississippi and that a certificate should be given to him to that effect. A Yes sir.

Q These certificates were called scrip. Did any of your Choctaw ancestors, do you know, go before ~~with the~~ this Commission prove their claim and receive scrip from the Government? A I don't know.

Q Have you any evidence you would like to produce now in support of this claim; any documentary evidence? A Yes sir.

Written application of this applicant presented, received, filed, marked Exhibit "A", and made a part of the record in this case.

Q Is this all you have? A Yes, at present.

Attorney B.S. Johnson asks for time to file evidence showing that Silas Moore did comply. "We might introduce oral testimony of an old full blood", he says.

Reasonable time is allowed applicant in which to file documentary or any proper proof of his ancestry and complainee; also reasonable time to introduce proof of the marriage of his father and mother and also of his marriage with his wife, Mary; and also for the introduction of oral testimony if he desires to produce witness before the Commission.

Q You don't speak the Choctaw language? A No sir.

Q Is there anything further you want to say? A No sir.

Q Have you any questions, Mr. Johnson? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark complexion, somewhat tanned, brown eyes or hazel, brown hair; has no knowledge of the Choctaw language and no knowledge of the complainee on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings and on the above entitled cases on September 1, 1901, as they are stated and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 29 day of October, 1901.

Clara Mitchell Wood
Notary Public.

COPY.

M.C.R. 3707

Muskogee, Indian Territory, September 3, 1902.

Felix F. Moore,

Argo, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

Silas Sharpe, et al.,	M.C.R. 3540
Emily Quaid,	" 3585
Benjamin W. Quaid,	" 3435
John T. Quaid, et al.,	" 3428
Susan Lodeaka Wells, et al.,	" 3438
Sinerruda Ellen Tice, et al.,	" 3479
Eliza Quaid,	" 3541
William Amburse Quaid,	" 3543
America J. Bennett, et al.,	" 3512
Anna Elizabeth Smith,	" 3514
Harnest W. Long, et al.,	" 4864
Young Harrington Quaid, et al.,	" 3437
Maggie Bell Strother,	" 3513
Emily G. Inman, et al.,	" 3580
Thomas Quaid, et al.,	3435 3445
Lee Harrington Quaid,,	" 3439
Minnie Fugent, et al.,	" 3444
Simpson M. Moore, et al.,	" 3630
Felix F. Moore, et al.,	" 3707
John R. Moore,	" 3994
Walter D. Moore,	" 3640
Remy Moore,	" 3493
Becky Moore,	" 4560
Benson W. Moore, et al.,	" 3572
Thomas L. Moore,	" 3581

Oscar Moore, et al.,	M.C.R. 3583
Willis Moore,	" 3584
Rosa Moore, et al.,	" 3588
Mollie E. Pirtle, et al.,	" 3629

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Mola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mollie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Amburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strether, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Ular May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Rosa V. Moore, Mary E. Moore, Leta D. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Amy Moore, Beety Moore, Benson W. Moore, Lizzie Yeart, Bruce Yeart, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Mollie Pirtle, Consuelia Pirtle and Rosalie Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

John F. Moore

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

James D. Dwyer

Acting Chairman.

Registered.

Muskogee, Indian Territory, July 14, 1903.

Felix F. Moore,

Arp, Texas.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

P.Y.M.-----2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mis-

P.F.M.---3

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

M.C.R. 3707

COPY.

Muskogee, Indian Territory, July 23, 1904.

Felix P. Moore,

Arp, Texas,

Dear Sir:-

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge

M.C.R. 3707.

COPY

Muskogee, Indian Territory, November 15, 1906.

Felix F. Moore,

Arp, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

Muskogee, Oklahoma, June 12, 1909.

Mr. Felix F. Moore,
Arp, Texas,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

For Identification as a Mississippi Choctaw.

Date

OCT -8 1901

Name

Felix F. Moore

Age 33

Blood

1/8

Post Office, Arp, Texas -

Father:

Seaton Moore - d

Mother:

Lavina " d
LAVINA,

Claims through

wife -

father
Mary A. Moore, d.

No claim for wife

Children:

Walter L. Moore, 11

Nona V. (girl) " 9

Mary E. " " 4

Leta B " " 2

Janice M. " 6 m.

Claims for self &
children -

Stenographer

H. H. Hains

Choctaw MCR 3708

Edward W. Usher

See MCR 4924

MCR 3708

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOCA, I.T. October 8, 1901.

2700

In the matter of the application of Edward W. Usher for the identification of himself and his eight children as Mississippi Choctaws.

J.C. Ralls, Attorney for applicant.

Edward W. Usher being first duly sworn testified as follows :

Examination by the Commission:

- Q What is your name? A Edward W. Usher.
Q What is your age? A Forty two.
Q What is your post office address? A Coalgate, Indian Territory.
Q How long have you lived there? A I suppose about eight or ten years; since Coalgate started.
Q Where before that? A I lived one year at Lehigh.
Q Where were you born? A In Alabama.
Q Where in Alabama? A I can't say; I have heard them say, I think something about it being near Mobile or that neighborhood.
Q How long were you in Alabama? A A couple of years I suppose.
Q Where did you go next? A To Mississippi.
Q How long did you live in Mississippi? A Fifteen years.
Q From there you went where? A To Texas.
Q How long have you lived in Texas? A Six months.
Q What place in Texas? A Alto, Cherokee County.
Q Where did you go then? A Shreveport, Louisiana.
Q How long were you there? A Something near three years.
Q Where did you go then? A North Texas.
Q How long were you there? A Two years.
Q Then where? A Indian Territory.
Q Coalgate? A No sir.
Q How long did you live at Gadsden? A In that neighborhood about eight years.
Q From there did you go to Coalgate? A To Lehigh and then to Coalgate.
Q You lived in Coalgate how long? A Since it started; eight or ten years; about ten years I believe.
Q What is your father's name? A Edward Usher.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Nelson.
Q Mary Usher? A Yes sir; she afterwards married a Ringer; she is dead.

- Q What was her name when she died? A Mary Rieger.
- Q Through which parent do you claim Cheetaw blood? A Mother.
- Q How much do you claim? A I claim a quarter or an eighth; I am not certain about that.
- Q You don't know which? A No sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by either the Cheetaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Susan F. Usher.
- Q White woman or Indian? A White woman.
- Q Make any claim for her? A No sir.
- Q Give me the names of the children under twenty one years of age and unmarried for whom you want to apply? A First, Ida P. Usher, eighteen.
- Q All of them are Ushers? A Yes sir.
- Q Next? A Annie A., sixteen.
- Q Next? A Elmer B., (a Boy) thirteen.
- Q Next? A Mary M., eleven.
- Q Next? A Myrtle (Girl), nine.
- Q Next? A Edna L., seven.
- Q Next? A Clara, five.
- Q Next? A Earl C. (Charley a boy.), two.
- Q Is that all? A That's all.
- Q You claim for yourself and children? A Yes sir.
- Q Is Sarah F. Usher the mother of these children? A Yes sir.
- Q You are the father? A Yes sir.
- Q They are all living with you? A Yes sir. County, Texas
- Q When and where were you married to Sarah F. Usher? A At Lamar
- Q How many days? A The last of December, 1879.
- Q Have you the marriage license and certificate you wish to file? A I have the original license.
- Q How do you have any evidence of the marriage between your father and mother here? A Not of the marriage; I don't think.
- Q When and where were they married? A I don't know whether in Alabama or Mississippi.
- Q You don't know when? A No sir.
- Q You will be allowed reasonable time to introduce evidence of their legal marriage.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Cheetaw nation in the Indian Territory? A No sir.
- Q Did you ever make application to the Cheetaw tribal authorities for yourself and children for enrollment as Cheetaw Indians? A No sir.
- Q Did you ever make application for citizenship in the Cheetaw Nation to the Dawes Commission under Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship with your children in the Cheetaw Nation by either the Cheetaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.
- Q Did you ever before this time make application for membership in the Cheetaw Nation for yourself and children either the Cheetaw tribal authorities or the United States authorities? A No sir.

Q Do you now come before this Commission for the purpose of identifying yourself and children as Mississippi Choctaws and claiming lands in the Choctaw Nation, Indian Territory, under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty; or do you understand the treaty of 1830? A I think I have heard it.

Q Can you recall the provisions of article fourteen now? A I think I can call part of it.

Q Do you want to be refreshed as to its provisions? If you do I will make a short explanation? A I have read it.

Q Tell me what it says. A As I understand it it says that the treaty was- those remaining in Mississippi who desire in future or may desire to come West will be allowed the privilege of Indians; that is a right here in the division of land;- provided they did certain things.

Q Do you know what those things were? A No sir.

Q That's the point. This treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek because it was made at a place called Dancing Rabbit Creek in Mississippi, September 27, 1830, was made between the Choctaw Indians who lived there in Mississippi and Alabama in what was called the old Choctaw Nation, and the United States Government. The object of the treaty as you say was partly the removal of the Choctaw Indians of that Nation, or the Choctaw Indians who lived in the old Choctaw Nation in Mississippi or Alabama from that old Choctaw Nation to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was inserted for their special benefit. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to be come citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

You will notice that this land which was to be given to him and his children in this manner was to be given to him of land in Mississippi provided that he did these things enumerated here.

Q You make a claim under this article, you say? A Yes sir.

Q You understand that do you, Mr. Usher? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? As it was read to you? A Not that I knew of.

Q Can you give me the name of any of your Choctaw ancestors who lived in Mississippi in 1830 and were head of a family at that time? A My grandfather; he have lived in Mississippi in 1830.

His name was Jesse Nelson; there were other relations there; uncles of different names.

- Q I don't care anything about the uncles; I want the ancestors in a direct line. You claim through your mother? A Yes sir.
- Q Her maiden name was Nelson? A Yes sir.
- Q She claimed through which parent, father or mother? A They were both citizens.
- Q Well, did she live in Mississippi in 1830- your mother?
- A She was born about that time I guess.
- Q Well, was she born in Mississippi? A Yes sir.
- Q About how old was she in 1830, do you know? A No sir.
- Q Was she alive at that time, do you know? A No sir.
- Q You have no knowledge or any records to show what her age was and when she was born? A No sir.
- Q Her father was Jesse Nelson who lived in Mississippi at the time she was born? A Yes sir.
- Q Were there any children older than she? A I don't know; she had two brothers.
- Q Did your grandfather, Jesse Nelson, have any Choctaw name?
- A I don't know.
- Q Did he speak the Choctaw language? A I have heard that he spoke both languages, English and Indian, Choctaw.
- Q How do you know he spoke the Choctaw language? A I have heard people that knew them and knew that he spoke English good.
- Q I want to know about the Choctaw; have you any evidence to produce before the Commission to prove that he was a Choctaw Indian and that he spoke the Choctaw language? A Yes; I never questioned the witnesses about the language.
- Q How much Choctaw blood did he have? A He was a half breed I think; half or a quarter.
- Q You don't know? A No sir.
- Q Was he a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A As far as I know.
- Q Well, do you know? You see that isn't very good testimony- as far as you know-; do you know that he was that yourself, did he live with the Indians, associate with them entirely; in those days and now Indians live almost entirely apart. Did he vote with them in their councils in matters pertaining to Indians, did he join with them in their dances and cries- did he do all these things?
- A From the statement of the witnesses I can say he did.
- Q From your own knowledge can you say that he did, and was a member of the Choctaw Nation recognized as such? A From the best of my knowledge I can say that he was.
- Q You get that from the statement of other people? A Yes sir.
- Q Can you get their testimony here before the Commission? A Yes.
- Q Time will be given you, then, to do so if you can. Did he or any of your other Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know.
- Q Did he or any of your Choctaw ancestors go from Mississippi or Alabama with the other Indians to the Choctaw Nation in the Indian Territory between 1833 to 1838? A I don't think any of my ancestors ever came here.
- Q Did he or any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 tell the United States Indian Agent Gel. Ward, that they intended to stay in Mississippi and take land there? A Not that I know of.
- Q Did he or any other of your Choctaw ancestors claim land in Mississippi under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir, not that I knew.

In accordance with the provisions of article fourteen of the Treaty of Dancing Rabbit Creek the United States Government required Col. Ward who was the Indian Agent in Mississippi in 1830 to make a list of all the Choctaw Indians who went before him within six months after the ratification of the treaty and told him that they wanted to stay in Mississippi and take land there. He failed to record the names of a great number of Indians who did go before him within six months and did say they wanted to stay and take land there; he failed to put their names on his register, called Ward's Register, he had a few names on and only a few. This led to a great wrong to the Indians in Mississippi, because many had their lands and improvements taken away by the Government and sold by the Government at Public Land Sale. So many complaints were made by the Indians that in 1837 Congress appointed a Commission by Act of Congress approved March 3, 1837, and this Commission went to Mississippi and heard a great many Choctaw claimants who proved their rights under article fourteen, and these Commissioners made a list of their names. In 1842 another Commission was appointed for the same purpose and they heard claimants and put the names of the successful ones on a list they made.

Q Do you know whether Jesse Nelson or any other of your ancestors went before either of these Commissions, 1837 or that of 1842, and had rights granted or claimed rights under article fourteen of that treaty? A No sir; I don't know.

The Act of Congress approved August 23, 1842 provided if any applicant who appeared before it proved his claim under article fourteen and if it further appeared that his land had been taken away from him that he should receive land elsewhere in Louisiana, Alabama, Arkansas or Mississippi to be taken from vacant Government land and that certificates to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government from the as Choctaw Indians? A No sir.

Q Have any of your relatives appeared before the Commission?

A No sir.

Q You are the first? A Yes sir.

Q Has you any documentary evidence you want to introduce now?

A Yes sir.

Marriage license of N.W. Usher and Miss Susan F. Steuse presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case; affidavit of Delila Gilbert offered in evidence, received, filed, marked Exhibit "B" and made a part of the record--

A She was too old to get here from Tishomingo.

and all-the Nelsons. She knew my mother

- Affidavit of John Lewis offered in evidence, received, filed, marked Exhibit "C", and made a part of the record in this

case; affidavit of Sarah Phillips offered in evidence by applicant, received filed, marked Exhibit "D", and made a part of the record in this case; affidavit of William H. Usher offered in evidence by applicant, received, filed, marked Exhibit "E", and made a part of the record in this case.

Reasonable time will be allowed for the introduction of further documentary proof-- and evidence of the legal marriage of your father and mother- if you desire to introduce any.

Q Do you speak the Choctaw language? A Not much; some.

Examination by J.G.Ralls.

Q Not enough to talk with the Indians? A Not in a general conversation.

Q Just a few words? A I can remember a little.

Q You don't talk like a native full blood? A No sir.

Q Are you acquainted with Delila Colbert who has made an affidavit in this case? A Yes sir, I know her.

Q Where does she live? A Near Tishomingo, Chickasaw Nation.

Q What is her physical condition? A She is now about ninety six years old and cannot get up now; I got an affidavit because I didn't think she would live.

Q What relation is the Jesse Nelson mentioned by her to you?

A Jesse Nelson, she tells me, is my grandfather, my mother's father.

Q Was your grandfather part Choctaw Indian? A Yes sir.

Q Was your grandmother? A Yes sir.

Q Do you know whether or not your mother had any brothers and sisters? A My mother had two brothers- I don't know of any sisters she spoke of two brothers' coming West but I never have been able to find but one.

Q What were their names? A I don't know their given names; it was Nelson, that's all I know.

Mary J. Garret being called and sworn as a witness in this case testified as follows:

Examination by J.G.Ralls:

Q State your name and age? A Mary J. Garret; I am in my 59th year.

Q What is your post office address? A Ateka, here.

Q How long have you lived here? A Three year in December.

Q Did you ever know Mary Nelson? A Yes, I knew a Mary Nelson.

Q Where did you know her? A In Mississippi in Lafitte County, Rocky Ford.

Q How long did you live in Mississippi? A I lived there between fifty and sixty five years of my life.

Q What time did you commence living there? A My father moved from Alabama there in 1842, October.

Q Do you know what nationality Mary Nelson was? A She was said to be Choctaw Indian; part Choctaw.

Q Did you know her father and mother? A No sir; I don't know that I did.

Q Did you know any of her relatives? A I did; was personally acquainted with her relatives and went to school with cousins of theirs.

Q What was their nationality? A They were Choctaw by blood.

Q Were you familiar with the appearance of Choctaw Indians?

A I was not so familiar then as now, but they was termed by people there as Choctaws by blood.

Q What would be your judgment as to whether or not Mary Nelson had Choctaw blood, judging from her general appearance.

A From her general appearance and from what I have found out and know to be Choctaw Indians since I came here would be that she was about an eighth.

Q You are not related to her or Mr. Usher? A No sir, not at all.

Q About how old would Mary Nelson be if living now? A Somewhere between sixty and seventy years old.

Q And was she regarded by people there as being Indian or otherwise? A She was regarded as Choctaw by blood.

Q How long have you lived in the Indian Territory? A I have been living here ever since- it will be three years in December next.

Q You know the applicant, Edward W. Usher, do you? A Yes sir I am acquainted with him.

Q To whom did Mary Nelson marry? A I can't tell you but to the best of my remembrance- I was personally acquainted with the family, more so than with her- I think she married a man by the name of Usher, but I was not personally acquainted with him at all.

Q Did you know any of the old Nelsons? A I was acquainted with two families of Nelsons; old families.

Q What was their general appearance as to their being Choctaws or white people? A Well, they had the appearance of being Choctaws.

Q Were they related to Mary Nelson? A Yes, I think Mary Nelson was a niece of theirs, the best of my remembrance. It was a cousin of these Nelson Girls I went to school with.

Q Where was it you went to school with the Nelson girls?

A Near Rocky Ford, Lafitte County, Mississippi on Tallahatchie River.

Examination by the Commission:

Q Did you know Jesse Nelson? A I probably have known him but I can testify for the Nelsons of that name.

Q That was the father of Mary Nelson? A Yes sir.

Q You were testifying about Mary Nelson, the mother of this applicant? A Yes sir.

Q Do you know if any of his Choctaw ancestors lived in Mississippi in 1830? A I don't know positively but I think from a conversation that I have heard these Choctaws, these Nelsons that I am speaking of lived there before the Indians moved away from there.

Q Do you know whether any of his Choctaw ancestors, his father or mother or his mother's father or any of them went to Col. Ward in 1830 or 1831 and told him that they wanted to stay in Mississippi and take land there? A No sir I don't know; I don't think

they did.

Witness excused.

General Lew Wallace being called and sworn as a witness in this case testified as follows on behalf of applicant:

Examination by J.G.Ralls.

Q What is your name and age? A General Lew Wallace; about fifty six years old; somewhere along in there- I may be more than that.

Q What is your post office? A Ateka.

Q How long have you lived in the Choctaw Nation? A Nigh seven months I believe.

Q Where did you live before you came to the Choctaw Nation? A Cairo, Illinois.

Q Where did you live before you went to Cairo? A Mississippi.

Q How long did you live in Mississippi? A I don't know sir, how long I lived there; a long time in years; was born in Mississippi

Q Did you ever know Mary Nelson in Mississippi? A Yes sir.

Q Did you know her father and mother? A No sir.

Q Do you know who Mary Nelson married? A Jesse Nelson I think.

Q Mary Nelson married Jesse? A Yes sir.

Q Did you know any children of them? A Their names kind of slip my memory.

-Q Do you know whether Jesse Nelson had a daughter named Mary Nelson? A I don't know whether I could say that or not.

Q You started in to give the names of the children of Jesse Nelson and Mary Nelson. A I don't know.

Q How old were you when you got acquainted with Mary Nelson?

Q A About fifteen years old.

Q Are you speaking now of Mary Nelson the wife of Jesse Nelson?

A Yes sir.

Q Jesse Nelson's wife was named Mary Nelson; that the one you knew? A Yes sir.

Q Do you know to whom any of their daughters were married? A No sir I don't; because they was young then.

Q Do you know what nationality these Nelsons were? A No more than what I have heard among the children with blood we played together as kids speaking about some showing more Choctaw than others.

Q Did you ever see Jesse Nelson? A Yes sir.

Q From his appearance state whether he was Choctaw or not? A I can't really say but it seems to me he was a little of both; he may be from his appearance.

Q Ever see his wife? A Yes sir.

Q What would you say she was? A She showed more Choctaw than he did I should judge.

Q How did the children appear? A They were pretty dark; high cheek bones and dark hair.

Q Appear to have Choctaw blood in them? A Yes sir.

Q Whereabouts in Mississippi was it you knew them? A Near Meridian.

Q You lived in Alabama before you lived in Mississippi? A Yes, we lived there some time; we drifted every way I can't tell you which way.

Examination by the Commission:

Q You are testifying now of knowledge of Jesse Nelson who had a daughter Mary Nelson? A They say he had.
Q You don't know much about her? A No sir.
Q How old are you? A About fifty six; I may be more or less.
Q How old was Jesse Nelson when he died? A I don't know.
Q How old was he when you knew him? A I don't know.
Q He must have been a pretty old man? A Yes sir.
Q Older than you? A Yes, I was a nubbin.
Q How is it you don't know anything about his children? A Yes, we played together.
Q Don't you remember his daughter Mary? A Yes sir; Mary or Molly Nelson.
Q Was Jesse Nelson living in Mississippi in 1830- that is seventy one years ago? A No sir, that's farther back than I can get to.
Q Where did you know him? A In Mississippi; I know where his place is now in Mississippi.
Q Where was he living in Mississippi when you knew him?
A On the Tallahatchie.
Q How long ago? A I don't know; good while ago.
Q About how long ago? A It will be twenty years ago.
Q You didn't know him in 1830? You weren't living then? A No sir.
Q You don't know whether he went to the United States Indian Agent in 1830 and told him he wanted to stay and take land there? A No sir.
Q You don't know whether he had any improvements on land in 1830? A No sir.
Q Or whether he went before the Commission of 1837 or 1842? A No sir.
Q You just simply knew that you knew him and that he was reputed to have Chactaw blood in him? A Yes sir.

Witness excused; and applicant recalled.

Q Is there anything further you want to state, Mr. Usher, in regard to your case? A Nothing at present. Only I want a certified copy of the evidence these two witnesses have given in.
Q Well, you can leave that matter to your attorney; he can come over and make a copy if he or if you desire him to.

This applicant has the appearance and general physical characteristics of being descended from white parentage; blue eyes, light brown mustache, dark brown hair; he doesn't understand the Chactaw language well enough to speak it fluently, has some knowledge of it for trading purposes; he has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Harry J. Harris being duly sworn, deposes and says that he is with certain records belonging to the Commission on the part of Civilized crimes and is a full and correct transcript of the proceedings in said cause as said date.

Harry J. Harris

Subscribed and sworn to before me this 21st day of October, 1901.

Clara Mitchell Wood.
Notary Public.

M O R 5708.

Washoe, Indian Territory, August 13, 1902.

H. V. Walter,

Sealgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th inst., relative to your application for the identification of yourself and minor children as Mississippi Choctaws. You give the names of your Choctaw ancestors, and ask to be advised what further steps to take in proving your case.

It appears from the records of the Commission that on October 8, 1901, you made personal application to this Commission for the identification of yourself and your minor children as Mississippi Choctaws, claiming Choctaw Indian descent from James or Jennie Nelson, and his wife Shema or Shinnah Nelson.

The authority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in the 21st section of the act of Congress approved June 23, 1900, and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the

H V U 2

Interior."

At the time you made your application, article fourteen referred to in the above legislation was read to you, and in reply to a question you stated that you understood its provisions.

The Commission requires that applicants for identification as Mississippi Choctaw reasonably demonstrate that they are descendants of Choctaw Indians who resided within the old Choctaw Nation in the States of Mississippi and Alabama in 1800, and who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1800, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837, and August 28, 1846.

The Commission cannot advise as to the sufficiency of the evidence offered in support of your case until the same is taken up for consideration and final decision. It is probable that a decision will be rendered in the near future, and you will be duly notified of such decision and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Living Choctaws

M C R 3708

Muskogee, Indian Territory, March 31, 1903.

M. W. Usher,

Okmulgee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing the affidavit of the mother, Susan F. Usher, and that of the attending physician, W. J. Conley, relative to the birth of your infant child, Bessie Adell, April 10, 1902. The same have been filed with the record in your case.

Respectfully,

Chairman.

COPY, M C R 3708

Muskogee, Indian Territory, April 9, 1903.

Edward W. Usher,

Coalgate, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jessie Lamaskus, et al., embracing the following applications for identification as Mississippi Choctaws:

Jessie Lamaskus, et al.,	M C R 4924
Edward W. Usher, et al.,	M C R 3708
David B. Rieger, et al.,	M C R 4925
Jackson Lee Rieger, et al.,	M C R 4926
Eva Allen, et al.,	M C R 3709
Edna Usher, et al.,	M C R 4929

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jessie Lamaskus, Mattie Lamaskus, Birdie Lamaskus, Essie Lamaskus, Ethel Lamaskus, Robert Lamaskus, Edward W. Usher, Ida P. Usher, Annie A. Usher, Elmer B. Usher, Mary M. Usher, Myrtle Usher, Edna L. Usher, Clara Usher, Earl Charley Usher, David B. Rieger, Harvey B. Rieger,

E. W. U., -2-

Jackson Lee Rieger, Marvin Rieger, Eva Allen, Ida Usher, Charlie Usher, Ruby Usher, Edna Usher, Jessie Usher, Robert Usher and Harvey Usher as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Edna Usher
Chairman.

Registered.

M C R 3708

Muskogee, Indian Territory, April 28, 1903.

M. W. Usher,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your sworn petition praying for a rehearing in the consolidated Mississippi Choctaw case of Josie Lamaskus, et al. Said petition has this day been transmitted to the Secretary of the Interior.

Respectfully,

Chairman.

W.C.R. 3726

COPY.

Kuskogee, Indian Territory, December 2, 1904.

Edward W. Usher,

Coalgate, Indian Territory.

Dear Sir:

You are hereby notified that on the 23rd day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Josie Lamaskus et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

Tamc Doby
Chairman.

M C R 3708

Muskogee, Indian Territory, July 12, 1906.

E. W. Usher,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters dated July 2nd and 9th, 1906, requesting to be advised if your application for a rehearing in your Mississippi Choctaw case has been received and what disposition has been made of it.

You are advised that the application in question was received at this office June 22, 1906.

No action is taken by the Commissioner to the Five Civilized Tribes on motions for rehearing in Mississippi Choctaw cases, further than to forward the same to the Secretary of the Interior for his consideration. When Departmental action is taken on your motion you will be notified thereof.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Josie Lamaskus, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of April 9, 1903, adverse to the applicants, was, on April 25, 1903, forwarded the Department.

November 23, 1904 (I T D 5450-1904), the Department affirmed the decision of said Commission above referred to.

June 23, 1906, this office received a letter from Edward W. Usher, Atoka, Indian Territory, one of the applicants in the above consolidated case, requesting that he be granted a rehearing of his application separate and apart from the consolidated case of Josie Lamaskus, et al.

Mr. Usher's letter is herewith transmitted for the consideration of the Department.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

MM: 24/1

No. 3708

For Identification as a Mississippi Choctaw.

Date OCT -8 1901

Name Edward W. Usher

Age 42 Blood don't know.

Post Office, Calgata, D. T.

Father; Elmer Usher & Reager &

Mother: Mary ~~Reager~~ (Reager)

Claims through mother
Susan F. Usher, w.

No claim for war.

Children: Ida P. Usher 18

Annie A. " 16

Elmer B. " boy 13

Mary M. " 11

Myrite " 9

Edna L. " 7

Clara " 5

Earl C. " 2

Alvin for my &
Lester

Enographer H. L. Haines.

Choctaw MCR 3709

Eva Allen

See MCR 4924

MCR 3709

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 8, 1901.

3709

In the matter of the application of Eva Allen for the identification of herself and her two brothers and one sister as Mississippi Cheetaws.

Applicant represented by J.G. Ralls; no appearance by attorney.

Eva Allen being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eva Allen. (Al-X-e-n.-.)
Q What is your age? A Twenty; will be twenty one next June.
Q What is your post office address? A Alto, Texas.
Q How long have you lived there? A I have lived there all my life.
Q Never lived anywhere else? A No sir.
Q What is your father's name? A Robert Usher.
Q Living or dead? A He is dead.
Q Is your mother living? A She is living.
Q What is her name? A Amanda Usher.
Q Through which parent do you claim Cheetaw blood? A Through Papa's side.
Q How much do you claim? A I don't exactly- an eighth or sixteenth; I don't know exactly how much, I claim.
Q Has your father ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by either the Cheetaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
Q Are you married? A Yes sir.
Q What is his name? A John Allen. (J-e-h-n A-l-l-e-n.)
Q Is he a white man or red man? A He is a white man.
Q You don't make any claim for him do you? A No sir.
Q Do you wish to make application for anyone besides yourself?
A I have come to make application for Charlie, Ruby and Ida if I can.
Q You have brothers and sisters? A Yes sir.
Q Is their mother living? A Yes sir.
Q She is your mother? A Yes sir.
Q Her name is--? A Amanda Usher.
Q Where does she live? A In Alto.
Q Was she unable to come? A Yes she is sick.
Q Do you think she would be able to come at all? A No sir.

Q You think that unless this application is made for them by you that no application will be made for them? A Yes sir.

Q What is your mother's age? A She is forty two, I think.

Q What is her sickness; what is her trouble, is it chronic trouble? A Yes sir; broke down.

Q Does she have a physician? A Yes sir; right often.

Q Has she been sick a long time? A No sir; not long. I don't know what's the matter with her; she gets down on her back.

Q Sick in bed a great deal? A Yes sir; right smart.

Q You say your father is dead? A Yes sir.

Q Do you help support these children? A Yes sir.

Q You and they are living together? A Yes sir.

Q Right in the same house? A Yes sir.

Q How many are there? A Three; two boys and a girl.

Q Are they full brothers and sister of yours? A Yes sir.

Q They claim through--? A Father.

Q Just as you do? A Yes sir.

Q What is the name of the eldest? A Ida Usher (Ida U-s-h-e-r)

Q How old? A She is seventeen now.

Q Next? A Charlie Usher.

Q How old? A He is twelve.

Q Next? A Ruby (R-u-b-y.); he is ten.

Q Robert Usher is the father of these children is he? A Yes sir.

Q And he is dead? A Yes sir.

Q And Amanda Usher is the mother? A Yes sir.

Q They claim through the father just as you do? A Yes sir.

Q You have no children of your own? A No sir.

Q Do you know when and where your father and mother were married? A No sir, I don't know.

Q Were they married under a license and by a minister, do you know? A Yes sir; I think they was.

Q You have no proof of their marriage with you? A No sir.

Q Do you think you could introduce evidence to prove their legal marriage if you were given time? A Yes sir.

Reasonable time will be allowed this applicant in which to prove their marriage, either by offering their license and certificate in evidence or certified copies of the same or other proper proof.

Q Is your name or the names of your brothers and sister on any of the tribal rolls of the Chectaw Nation in the Indian Territory? That is if you are or they are enrolled as Chectaw Indians in the Indian Territory? A No sir.

Q Have you ever made application for yourself or these children to the Chectaw tribal authorities for citizenship in the Chectaw Nation? A No sir.

Q Have you ever made application to the Dawes Commission for citizenship in the Chectaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you or these children ever been admitted to citizenship in the Chectaw nation by either the Chectaw tribal authorities the Commission to the Five Civilized Tribes or by the United States Court in the Indian Territory? A No sir.

Q Did you ever before this time make application for yourself or them for admission into the Choctaw Nation as Choctaw citizens either to the Choctaw tribal authorities or the United States authorities? A No sir.

Q Do you now come before this Commission for the purpose of identifying yourself and your two brothers and your sister as Mississippi Choctaws under article fourteen of the treaty of 1830. A Yes sir.

Q Do you know anything about article fourteen of the treaty of 1830? A No sir; I don't.

Q You have read it? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians who at that time were living in the old Choctaw Nation, a part of which was in the State of Mississippi and the other portion was in Alabama. The object of that treaty of 1830 was to remove all the Choctaw Indians from Mississippi and Alabama, that is, from the old Choctaw Nation, over to the new Choctaw Nation Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians wouldn't go to the new Choctaw nation, Indian Territory, and to protest their interests and also that the treaty might be signed article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's article fourteen of the treaty of 1830; do you understand it as read to you? A I don't know whether I understand it or not.

Q Well, a further explanation of it is this: You know that the Choctaw Indians always used to live in Mississippi and Alabama; in 1830 the United States Government wanted to get them to this Government or country, the Choctaw nation in Indian Territory. The reason why they did want to get them here was that they were crowded out of their own by the white man and the Government couldn't protect them there. The State of Mississippi claimed their own land and said that if they wanted their land the Indians couldn't have it. The Government told them they couldn't protect them but "if you will go out there to the Indian Territory we will protect you, giving you that land and nobody will interfere with you." So the treaty of 1830 was made between the Choctaw nation and

the Government to carry out that idea for the Indians. Notwithstanding that it was a good idea for the Indians, a great many wouldn't come. Something had to be done; they had to get rights or lands or the treaty wouldn't be signed, so they put article fourteen into the treaty for the sake of those who stayed in Mississippi and Alabama. The Government said: "We will let you stay in Mississippi and you can have land in Mississippi and if you live on that land for five years, and you can be citizens of the United States if you want to- but in order for you to have land in Mississippi you must go to the United States Indian agent Col. Ward, within six months after the ratification of this treaty of 1830 is signed and ratified and if you do and tell him you want to stay in Mississippi and take land there, then go and take land and live on it five years, you can have it and have a deed to it." If these Indians did that and afterwards wanted to come out here to the Choctaw Nation, Indian Territory, they could come and they would be made citizens of the Choctaw Nation here and receive land here. All they had to do was to prove that they complied with article fourteen of the treaty, in other words, that they went to the Indian agent within six months and told him they wanted to take land there.

- Q How you understand that? A Yes sir.
 Q That's perfectly plain to you? A Yes sir.
 Q Did any of your Choctaw ancestors, your father or mother, grandfather or grandmother, whoever it is you claim away back there is Choctaw, did any of them go to the United States Indian Agent there within six months after the ratification of the treaty of 1830 and tell him they wanted to stay and take land there? A I don't know about that.
 Q Did any of your Choctaw ancestors ever own any land in Mississippi or improvements in 1830? A No sir, not that I know of.
 Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know that.
 Q Did any of them claim or receive any land in Mississippi in under article fourteen of the treaty of 1830? A I don't know.
 Q Did any of them ever claim any land or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.
 Q What was the name of your ancestor who lived in Mississippi in 1830 or before that? A I don't know sir.
 Q You claim through your father? A Yes sir.
 Q When did he die? A Died six years ago.
 Q How old was he when he died? A He was forty one; (wasn't he, uncle Ed?)
 Q He was over forty? A Yes sir.
 Q Died six years ago? A Yes sir.
 Q He would be forty seven or eight now? A Yes I suppose.
 Q Where was he born? A I don't know.
 Q He claimed through which parent? Father or mother? A He claimed through his mother, I think.
 Q What was her name? A I don't know sir.
 Q Was she ever in Mississippi? A I don't know that.
 Q Do you know of any of your ancestors who were in Mississippi? A No sir.
 Q As a matter of fact you don't know anything about that? A No sir.

Q Do you know anything about how much Choctaw blood any of your ancestors had? A No sir, I don't.

Q What relation is Edward W. Usher to you? A Papa's brother.

Q He appeared for identification as a Mississippi Choctaw on this date, October 8, 1901 at this office at Ateka, and claimed through Jesse Nelson who was his grandfather. Do you know anything about Jesse Nelson? A No sir; don't know a thing about him.

Q Now, do you want the testimony given by your uncle, Edward W. Usher to be considered when yours is by the Commission so that you can get the benefit of what he has testified to? A Yes sir.

Q And also get the benefit of the documents which have been applied in his case? A Yes sir.

Q You can't tell me anything more about your ancestors than what you have already stated can you? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the United States and who went before the United States Indian agent within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there. The United States Indian agent failed to record the names of a great many Choctaw Indians a great majority of them who went before him within the time stated in article fourteen of the treaty of 1830 and made their declarations of intention to remain in Mississippi and take land there in those State. This failure caused many of them who had land in Mississippi had that land taken away from them and they lost both the land and improvements upon it. Their complaints finally caused a Commission to be appointed by Congress in 1837 which appointment was approved March 3, 1837, and this Commission went to the State of Mississippi and heard a great many Indian claimants under article fourteen who proved their claims. Another Commission was appointed in 1842 by Congress for the same purpose and they heard a great many whose claims were approved and both Commissions made lists of the names of the successful claimants.

Q Do you know whether any of your ancestors appeared before either of these Commissions, 1837 or 1842-? A No sir.

Q Never heard whether they went before either Commission? A Never heard.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and his claim had been allowed by this Commission and if it also appeared that his land had been taken away from him he should be entitled to receive land elsewhere in Louisiana, Alabama, Arkansas or Mississippi and that certificates to that effect should be given him. These certificates issued to him by the Government were called scrip.

Q Do you know whether any of your ancestors received any such scrip from the Government? A No sir.

Q Have you any written evidence you want to give the Commission now in support of your claim? A A Yes.

Certified copy of the affidavit made by Delila Colbert presented by applicant, received, filed, marked Exhibit "A", filed and made a part of the record in this case; certified copy of the affidavit of William H. E. Usher presented by applicant, received, filed, marked Exhibit "B", and made a part of the record in this case; certified copy of the affidavit of John Lewis received, filed marked Exhibit "C", and made a part of the record in this case; certified copy of the affidavit of Sarah Phillips, received, filed marked Exhibit "D", and made a part of the record in this case.

Q Have you any other evidence? A No sir.

Reasonable time will be allowed this applicant in which to file further documentary evidence or other testimony in support of her application and the application which she makes for her brothers and sister if she desires.

Q How much Choctaw do you speak? A I don't know, sir.

Q How much? A I don't speak any.

Q Is there anything more you want to say in support of your claim? A No sir.

Q You don't know how much Choctaw blood you claim? A No sir.

Q One half you think-- of a quarter? A I think I am a quarter.

Q Would you like to be Indian? A No sir; I don't like it much.

Q Why not? A I don't know; just don't like to be Indian.

Applicant has the appearance and physical characteristics of being descended from white parentage; she has black eyes, dark complexion, dark brown hair; she had no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 31 day of October, 1901.

Clara Mitchell Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 15, 1901.

#3709.

In the matter of the application of Eva Allen for
identification as a Mississippi Choctaw.

Applicant represented by J. G. Ralls, Attorney.

Eva Allen, having been first duly sworn, testifies in
addition to the testimony given by her on her first application, as
follows:-

Examination by Attorney J. G. Ralls.

- Q Mrs. Allen, in the event you are identified as a Mississippi
Choctaw is it your intention to remove to and settle in good faith
in the Choctaw Nation and become a bona fide citizen there off?
A Yes sir.
- Q You make this application for the purpose of being identified so
that you may establish bona fide residence here do you? A Yes
sir.
- Q Have you made an effort by correspondence to procure a certified
copy of the marriage license of your father and mother, or have
you caused any person to make that effort? A Yes sir.
- Q Have you received information as to whether or not there is a
record of such marriage license? A Have I done what?
- Q Have you received any information as to whether or not such a
record is in existence? A I don't know sir.
- Q You don't know, yourself? A No sir.

--Witness excused.--

Ral Belford, being first duly sworn, upon his oath
states that as stenographer to the Commission to the Five Civil-

(a).

lined Tribes, he reported in full all the proceedings in the
above entitled case on October 15, 1901, and that the foregoing
is a full true and correct transcript of his stenographic notes
in said case on the said day of October, 1901.

Harold P. Reed

Subscribed and sworn to before me this 14th day of November, 1901.

Charles M. [Signature]
Notary Public.

NEW YORK

PALEE CO. HOFK

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. NOVEMBER 22, 1901.

TESTIMONY OF SAM PERRY AND EDWARD W. USHER

In the matter of the application of Eva Allen et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. October 8, 1901. M.C.R. 3709.

In the matter of the application of Edward W. Usher et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. October 8, 1901. M.C.R. 3708

Sam Perry being duly sworn as a witness in these cases testified as follows:

Examination by the Commission:

- Q What is your name? A Perry.
Q P-e-r-r-y? A Yes sir.
Q What is your full name? A Sam Perry.
Q What is your age, Mr. Perry? A I am in my eighty ninth year.
Q What is your post office address? A Lehigh, Choctaw Nation, Indian Territory.
Q What is your occupation? What do you do? A I am growed out of service; I only do yard work now; my occupation in my young days was waiting on big men, following officers and such, all my life.
Q Are you a member of the Choctaw Nation? A citizen? A No sir.
Q What is your nationality? That is, what are you, a colored man or Indian or both or which? A Well, I have been taught that I was Choctaw by blood; I won't swear it but I have been taught that.

Examination by J.C. Hall's attorney for these people.

- Q Did you ever live in Mississippi? If so when? A I can't tell you about the date, Judge, but I live in there to my knowledge; I don't have sense enough to tell about the date.
Q When did you leave Mississippi and come to the Territory? A It was sold after the land was sold at Pontotoc/
soon

- Q Who did you come with? A I came out with Elizabeth Perry, the mother of that young lady who lives in Cadde now- I call her a young lady, but she is sixty five years I guess.
- Q Was that an emigration of Choctaws or white people or what? A It was principally Chickasaws, there was some Choctaws with them.
- Q Do you remember which emigration it was? A No sir, I don't.
- Q While you were in Mississippi did you know a man by the name of Jesse Nelson? A Yes sir; I knowed him just by passing.
- Q What was Jesse Nelson? A He was said to be Choctaw and recognized by everybody that I knowed as being Choctaw.
- Q About that quantity of Choctaw blood-? A It looked to me that he is about one quarter.
- Q How did you happen to get acquainted with him? A By going around to the man I belonged to.
- Q Who did you belong to in Mississippi? A A Choctaw names Jimson Perry.
- Q Do you know whether Jesse Nelson had a wife or any family in Mississippi? A I only know I saw a family there; I heard him call a child about four years old daughter; the child's name was Mary. That's as far as I know- I didn't ask much; I didn't dare do that in those days. I heard her mother call her Mary.
- Q When you came did you leave Jesse Nelson and his family there? A Yes, they didn't come when I did.
- Q On your way out here did you become acquainted with any of the relatives of Jesse Nelson? A Yes sir; one Eden Nelson, Isaac Nelson and Mitchell Nelson; there's another but I don't remember his name.
- Q These you have mentioned as I have understood it were the brothers of Jesse Nelson? A Yes sir, that's the way it was given to me.
- Q What were they Choctaws or Indians--? A Choctaw by blood.
- Q You know where they settled? A Yes sir; they lived near me, near Doaksville and died there.
- Q That's all you know about Jesse Nelson? A That all I knows.

Examination by the Commission:

- Q Do you know Eva Allen? A No sir.
- Q Do you know Edward Usher? A I have been acquainted with him some time; he lives in my neighborhood.
- Q How was he related to Eva Allen and Edward W. Usher, how was Jesse Nelson related? A ---
- Q Do you know? A No sir.
- Q You don't know what relation he was to them? A No sir.
- Q You say you knew Jesse Nelson in Mississippi? A Yes sir.
- Q How long did you know him in Mississippi? A Well there was two years that I become in the hands of the Indians that I got acquainted with him; as I told you by my master's going there to see the Indians.
- Q What was your mother's name? Your master's name? A My master's name was Jimson Perry.
- Q A little while ago you said you were Choctaw Indian and you would not swear to it-? A I was taught that ever.
- Q But you have negre blood, haven't you? A My mother was negre.
- Q How well did you know Jesse Nelson? A Only by passing see him this week and then may be not for a month or so; he would stop sometime with my master.
- Q Is that all you know about him and his blood? A Yes; only what I was told and what his brothers told me.

Q How did he look? A He was a fair skinned man; light complexion as all his brethren did; they didn't show Indian much; they was all white-colored Indians.

Q How long since you knew him? A Well, it has been a little over sixty five years since If I am not mistaken since we come over from Mississippi; I judge it would be sixty five, as I said I can't tell anything about dates.

Q Did you ever hear about Col. Ward there in Mississippi? A No sir; I never.

Q He was the United States Indian agent? A Well, I never got acquainted with his name.

Q You don't remember him? A No sir.

Q Did you ever hear about the treaty of Dancing Rabbit Creek? A treaty between the United States Government and the Choctaw Indians called the Treaty of Dancing Rabbit Creek or the Treaty of 1830? A No sir I never learned nothing about that.

Witness excused Edward W. Usher called as a witness takes the stand.

Edward W. Usher being duly sworn testified as follows in his own case and in that of Eva Allen.

Examination by the Commission:

Q What is your name? A Edward W. Usher.

Q What is your age? A Forty two.

Q What is your present office address? A Coalgate, Indian Territory.

Q What is your occupation? A Farmer.

Q You made application for identification before the Commission at Atoka, have you not? A Yes sir.

Q Do you wish to testify further in reference to your application and also for Eva Allen? A Yes sir.

Examination by J.G. Ralls.

Q Are you acquainted with Eva Allen? A Yes sir.

Q How long have you known her? A All her life.

Q What relation is she to you? A My niece.

Q In what way is she your niece? A She is my brother's child.

Q State the name of the father of Eva Allen. A Robert Usher.

Q Did you have any other brothers? A Yes two others.

Q Who were they? A William Usher and George Usher.

Q Through which parent do you claim your Indian blood? A My mother.

Q What was your mother's maiden name? A Mary Nelson.

Q What was the name of her father and mother? A Her father was named Jesse Nelson and her mother was named Chimah.

Q She gets her blood through her father, Jesse Nelson? A Yes, her father and mother were both Choctaws.

Q Her mother was a Choctaw too? A Yes sir.

Q You don't remember either one of these people do you? A No sir.

Q That's all.

(NOTE: At Atoka the evidence of Mrs. Garrett was taken and attorney for these applicants says they want that evidence to be filed or applied to the case of Eva Allen as well as in this applicant's case.)

-o-o-o-o-o-o-

Henry G. Hains being sworn states that as stenographer to the

Commission to the five Civilized Tribes he reported the above and that this is a full, true and correct transcript of his notes there in.

Henry B. Hains

Subscribed and sworn to before me this 22nd. day of November, 1901.

Charles Mitchell

Notary Public.

COPY. M.C.R. 3709.

Muskogee, Indian Territory, April 9, 1903.

Eva Allen,

Alto, Texas.

Dear Madam:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josie Lamaskus, et al., embracing the following applications for identification as Mississippi Choctaws:

Josie Lamaskus, et al.,	M.C.R. 4924
Edward W. Usher, et al.,	M.C.R. 3708
David B. Rieger, et al.,	M.C.R. 4922
Jackson Lee Rieger, et al.,	M.C.R. 4926
Eva Allen, et al.,	M.C.R. 3709
Edna Usher, et al.,	M.C.R. 4929.

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josie Lamaskus, Mattie Lamaskus, Birdie Lamaskus, Bessie Lamaskus, Ethel Lamaskus, Robert Lamaskus, Edward W. Usher, Ida P. Usher, Annie A. Usher, Elmer B. Usher, Mary M. Usher, Myrtle Usher, Edna L. Usher, Clara Usher, Earl Charley Usher, David B. Rieger, Harvey B. Rieger,

H. A., -2-

Jackson Lee Rieger, Marvin Rieger, Eva Allen, Ida Usher, Charlie Usher, Ruby Usher, Edna Usher, Jessie Usher, Robert Usher and Harvey Usher as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Chairman.

Registered.

M.C.R. 3709

COPY,

Muskogee, Indian Territory, December 2, 1904.

Eva Allen,

Alto, Texas.

Dear Madam:

You are hereby notified that on the 23rd day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josie Lamaskus et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

James Dink

Chairman.

No. 5769

For Identification as a Mississippi Choctaw.

Date OCT -8 1901

Name Eva Allen

Age 20 — Blood dark brown.

Post Office, Alto, Texas.

Father; Robert Usher — d

Mother; Amanda " l.

Claims through father
husband John Allen, w.
No claim for husband.
Brothers and sister;

~~Children.~~
~~Ida~~ Ida Usher — 17
Charlie (boy) 12
Ruby (boy) " 10

Claims for self & (2)
brothers & sister.

Stenographer H. H. Haines,

Choctaw MCR 3710

Fannie Posey

MCR 3710

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Fannie Posey, et al.,
for identification as Mississippi Choctaws, H. C. R. 3710.

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List of papers forwarded to the Secretary of the Interior, comprising
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Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. October 9, 1901.

8710

In the matter of the application for identification as Mississippi Cheetaws of Fannie Posey and her four minor children Carrie M., Eva, Lucile and Eula Posey.

J. E. Arnold attorney representing applicant.

Fannie Posey being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Fannie Posey.
Q F-o-s-e-y? A Yes sir.
Q What is your age? A Twenty-six.
Q What is your post-office address? A Ravia, Indian Territory.
Q How long have you lived there? A Since February.
Q This year? A Yes sir.
Q Where did you live before that? A In Texas?
Q What part of Texas? A Near Austin.
Q How long did you live there? A Since I was ten years old.
Q Where did you live before that? A Alaba,a.
Q Were you born in Alabama? A Yes sir.
Q What place in Alabama? A Near Madison.
Q What is your father's name? A Henry Moore.
Q Is he living? A No sir.
Q What is your mother's name? A Carrie Moore.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Cheetaw blood? A My mother?
Q How much Cheetaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the authorities of the United States in Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A Robert Posey.
Q Is he an Indian or white man? A He is a white man.
Q You make any claim for him? A No sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes four.
Q What is the name of the eldest one? A Carrie M. Posey.
Q Is that a boy or girl? A Girl.
Q How old is she? A She is six years old.
Q Next? A Eva Posey.
Q How old is she? A She is four.
Q Next? A Lucile Posey. How old is she? A Two.
Q Next? A Eula.
Q How old is Eula? A One month old.
Q You make application for yourself and these children? A Yes sir.
Q Is Robert Posey the father of these children? A Yes sir.
Q And you are the mother? A Yes sir.
Q They live with you at your home? A Yes sir.
Q When and where were you married to your husband? A In '94, Manser, Texas.
Q What date? A The 8th of April.
Q Were you married by a minister and under a license? A Yes sir.
Q Have you proof of the marriage between your father and mother with you? A No sir.

#2

- Q When were they married? A I don't know.
Q You know where they married? A In Alabama.
Q You think you can o fer evi dence in proof of their marriage?
A Yes sir.

A reasonable time will be allowed this applicant in which to prove the marriage of her parents.

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities?
A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896?
A No sir.
Q Were you or your children ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Did you ever make application before this time for citizenship in the Choctaw Nation for yourself and your children to either the Choctaw tribal authorities or the United States authorities?
A No sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the purpose of the identification of your children as Mississippi Choctaws claiming rights in the lands in the Choctaw Nation under article fourteen of the treaty of 1830? You claim under that article of that treaty? A I don't know anything about it.
Q You know what a treaty is? A Yes sir.
Q A treaty is a contract or compact in writing made between Nations instead of between individuals.

In 1830 such a treaty was made between the United States and the Choctaw Indians who lived in Mississippi and Alabama in what was called the old Choctaw Nation. The object of that treaty was to secure the removal of all the Choctaw Indians from that old Choctaw Nation to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evidence that a great many Choctaws would not go to the New Choctaw Nation Indian Territory and in order to protect their interests article fourteen was made a part of the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830. That was put in the treaty to protect the interests of Mississippi Choctaws, that is Choctaw Indians who stayed in Mississippi.

- Q Do you think you understand that article now? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 as I have read them? A I don't know.
- Q Can you tell me the name of your Choctaw ancestor who lived in Mississippi in 1830? A Cox.
- Q You know the given name? A No sir.
- Q You claim through your mother Carrie Moore? A Yes sir.
- Q And she claims through which parent? A Her mother.
- Q What was her mother's name? A Gwin.
- Q I don't understand. You claim through your mother Carrie Moore? A Yes sir.
- Q What was Carrie Moore's maiden name? A Carrie Benham.
- Q Your mother Carrie Benham claimed through which parent, father or mother? A She claimed through her mother.
- Q Now what was her mother's name? A Sarah Gwin.
- Q That was her married name? A No her husband's name was Benham and her maiden name was Gwin.
- Q She claimed through which parent? A Through her mother whose name was Cox but I don't know her given name.
- Q This was a woman then? A Yes sir.
- Q But you can't tell the given name? A No sir.
- Q Do you know what her husband's name was, this Cox? A No sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Do you know of any ancestors who are Mississippi Choctaws who lived in Mississippi in 1830 or in Mississippi at any time? A No sir.
- Q Did she live in Alabama? A Who?
- Q This Cox? A Yes sir.
- Q She lived in Alabama? A Yes sir.
- Q Did she live in Alabama in 1830? A I don't know.
- Q Do you know of any of your Choctaw ancestors living in Alabama either before or after her, elder or younger? A No sir.
- Q What relation was this Cox to you? A She was my greatgrandmother.
- Q Did she have children living in 1830 in Alabama? A I don't know.
- Q Do you know whether her husband was the head of a family there at that time? A No sir.
- Q Was she a recognized member of the Choctaw Indians there in Alabama at that time? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation Indian territory between 1833 and 1836? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent whose name was Colonel Ward that they intended to stay in Mississippi, that they intended to stay there and take land and become citizens of the United States? A I don't know.

- Q Has your mother ever been before the Commission for identification? A No sir.
- Q Have any of your relatives or kin folks been before the Commission for identification? A Not that I know of.
- Q How old is your mother now? A She is sixty-three.
- Q Where was she born? A In Mississippi, so I have been told.
- Q Were her parents living in Mississippi both of them at that time, way back there sixty-three years? A Yes sir.
- Q Well do you know how long they had been living in Mississippi at that time? A No sir.
- Q You say your mother claims through which parent? A Her mother.
- Q Do you know whether her mother was born in Mississippi or Alabama? A No.
- Q You know when she was born? A No sir.
- Q When she died? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent who lived in Mississippi was instructed by the government to record the names of all Choctaw Indians who claimed rights before him under article fourteen of the treaty of 1830, within six months from the ratification of that treaty and make a report of these names to the government. The United States Indian Agent neglected to record the names of but very few of these Choctaw Indians who appeared before him within the time stated in article fourteen and as the result of this neglect many Choctaw Indians who lived in Mississippi and Alabama had their land taken from them by the government and this land was sold at public land sales by the government. A great many complaints were made by Choctaw Indians and as a result of these complaints Congress in 1837 appointed a Commission which Commission went to the State of Mississippi and heard claimants under article fourteen and made lists of their names. In 1842 another Commission was appointed for the same purpose, they also made lists of all Choctaw claimants whose ~~claims~~ claims were approved by that Commission.

- Q Did any of your Choctaw ancestors appear before either of these Commission that of 1837 or the Commission of 1842 and claims rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23rd 1842 provided that if any claimant appeared before them and claimed land under article fourteen and if it further appeared that his land had been previously taken from him that he should be allowed to select land either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Do you know whether any of your ancestors received any such scrip from the government? A No sir I do not.
- Q Do you speak Choctaw? A No sir.
- Q Do you understand it? A No sir.
- Q Have you any documentary evidence that you would like to introduce now in support of your application? A No I want time to get up some.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of her application also for the introduction of oral testimony of witnesses if she desires to submit such evidence.

Q Is there anything further that you would like to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parents. Blue eyes, light complexion and light brown hair. She does not understand the Chinook language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1855.

E. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 9, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

E. Rosenwinkel

Subscribed and sworn to before me this 30th day of November 1901.

Clara Mitchell
Notary Public.

J. W. L.
C. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Fannie Peasey, et al.,
for identification as Mississippi Choctaws, N. C. N. 3710.

D E C I S I O N -----

It appears from the record herein that an application
for identification as Mississippi Choctaws was made to this Commission
by Fannie Peasey for herself and her four minor children, Carrie M.,
Eva, Lucile and Edie Peasey, under the following provision of the act
of Congress approved June 20, 1902 (32 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh, eight-
teen hundred and thirty, and to that end may administer oaths,
examine witnesses and perform all other acts necessary thereto
and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one _____ Cox (given name not known), who is alleged to have been a Choctaw Indian woman (degree of blood not stated) and Sarah Benson (not given), who is alleged to have been possessed of some Choctaw blood (degree thereof not positively stated).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that any one by the name of Cox or Sarah Benson (not given), or an ancestor less remote signified (in person or by proxy to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1887 (24 Stat., 120) and August 22, 1894 (28 Stat., 123).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of female

Penny, Carrie M. Penny, Eva Penny, Lucile Penny and Edna Penny, as
Chester Indians entitled to rights in the Chester lands under the
provisions of article fourteen of the treaty of eighteen hundred and
thirty, and that the application for their identification as such
should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

W. H. H. H.
Acting Chairman.

(SIGNED)

F. E. H. H.
Commissioner.

(SIGNED)

C. F. Breckin
Commissioner.

Washoe, Indian Territory.

OCT 18 1902

COPY.

M.C.R. 3710

Muskogee, Indian Territory, October 18, 1902.

Fannie Posey,

Ravin, Indian Territory.

Dear Madam:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Fannie Posey, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Posey, Carrie M. Posey, Eva Posey, Lucile Posey and Lula Posey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date herewof within which to file arguments in this

Fannie Fosdy----- --3

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Fannie Fosdy.

Acting Chairman

Registered.

COPY.

M.C.R. 3710

Muskogee, Indian Territory, October 18, 1902.

Hansfield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Fannie Posey, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Posey, Carrie M. Posey, Mrs. Posey, Lucile Posey and Bula Posey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant is

M. McM. & C.-----2

this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Wm. H. H. H.
Acting Chairman

M.C.R. 3710

COPY.

Muskogee, Indian Territory, February 21, 1903.

Fannie Posey,

Ravia, Indian Territory.

~~Dear Madam:~~

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Fannie Posey, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

Tammie Dickin
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Fannie Pessey, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 18, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.N. 571e.

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

101-113

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3710

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, February 21, 1903.

Fannie Posey,

Ravia, Indian Territory.

Dear Madam:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Fannie Posey, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,



Acting Chairman.

COPY.

Land, 67793- 1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Fannie Posey for the identification of herself and her four minor children, Carrie M., Eva, Lucile and Eula Posey, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on October 18, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent fromCox (female) and Sarah (Gwin) The applicants claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected these parties because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830,

and for the additional reason that the applicants themselves has never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Cox and Sarah (Gwin) Benham, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Respectfully,

Commissioner.

(E.B.H.)

P.

COPY.

D. C. No. 4321-1903.

XAF.

ITD. 1038-1903.
L. R. 8.

DEPARTMENT OF THE INTERIOR.

Washington.

February 9, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Fannie Posey and her minor children, Carrie M., Eva, Lucile and Rula Posey, including your decision of October 18, 1902, refusing the application.

The applicants claim to be descendants of one Cox (given name unknown), alleged to have been a Choctaw Indian woman, and one Sarah Benham (nee Gawin), who is said to have been possessed of some Choctaw blood.

The applicants were never admitted or enrolled as citizens of the Choctaw Nation, and the record fails to show that any one of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting January 24, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department has carefully considered the record in the case and hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 3710

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Fannie Posey, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

3710

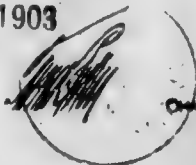


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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 17 1903



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~Francis B. V.~~

Ravia, Indian Territory.

~~Hand (Baker) H. H.~~
~~(24/11/1891)~~

No. 3710

For Identification as a Mississippi Choctaw.

Date OCT -9 1901

Name Fannie Posey.

Age 26 — Blood 1/16

Post Office, Ravin, I. T.

Father: Henry Moore, d

Mother: Carrie " N

Claims through Mother.

Husband Robert Posey, w.

No claim for husband

Children:

Carrie M. Posey. 6

Eva " 4

Lucile " 2

Eula " 1 m.

Claims for self & children.

Stenographer G. Rossmittel

Choctaw MCR 3711

Lizzie Henry

See MCR 287

MCR 3711

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N C R 3711.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 25, 1902.

Additional Testimony in the matter of the application
of Lizzie Henry for identification as a Mississippi Choctaw.

Appearances:

J. C. Lowery, Attorney for the Applicant.

Lizzie Henry, having been first duly sworn, upon
her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lizzie Henry.
- Q How old are you? A I will be forty three years old the
second day of October.
- Q What is your post office address? A Muskogee, Indian Terri-
tory.
- Q Have you any Choctaw blood? A Yes, sir.
- Q How much? A One half.
- Q Where were you born? A I was born below Lebanon, on the
river.
- Q Have you lived in the Indian Territory all your life?
- A Yes, sir.
- Q You never have been enrolled or admitted as a citizen of the
Choctaw Nation, have you? A No, sir.
- Q Are you the identical Lizzie Henry who appeared before the
Commission at Atoka, Indian Territory, on the ninth day of October,
1901, and made application for identification as a Mississippi
Choctaw, being represented at that time by J. E. Arnold, who was
at that time an attorney in good standing, admitted to practice
before the Commission to the Five Civilized Tribes? A Yes, sir.
- Q Did you also appear before the Commission at Durant, Indian
Territory, in the year 1898, and make application for the enrollment
of yourself and your daughter, Mary Epps, and grand children, Martha
D. Epps and Emma E. Epps, as Choctaws by blood? A I didn't say
by blood. I didn't --.
- Q As Choctaws? A Yes, sir.
- Q What was your maiden name at the time you made that appli-
cation? A My maiden name?
- Q I mean your surname? A Fulson.
- Q Since that time, you have married a man by the name of
Henry, have you? A J. C. Henry. I guess my license certificate
is here. We sent them to Muskogee.

Lizzie Henry, 2.

Q What is the surname of your daughter, Mary Epps, now? A Henry

Q She also married a man by the name of Henry since that application was made for her? A Yes, sir.

Q What was the name of the father of Mary? A John Moore., and then I married Nelson and now Henry.

Q What is the name of the father of Martha D. and Emma E. Epps? A His name is Bill Epps, and the baby, Tommy Henry. This man she last married is his daddy.

Q You desire, at this time, to withdraw the application made by you at Durant, Indian Territory, in the year 1898, in behalf of yourself, daughter, and two grand children, for enrollment as citizens of the Choctaw Nation, and have your rights considered as an applicant for identification as Mississippi Choctaws? A Yes, sir; I was misrepresented by my lawyer.

Q Who is your attorney at this time? A J. C. Lowery.

By J. C. Lowery:

Well, applicant appears today by her attorney, J. C. Lowery, and applies for the renewal of her application for the reason that her former attorney, J.C. Arnold, has defrauded her, and has not complied with the agreement between applicant and J. C. Arnold, nor done her any good whatever. Applicant asks for thirty days time to introduce further testimony relative to her case.

By Commission:

The applicant will be allowed thirty days from this date within which to submit evidence showing, or tending to show, that some of her ancestors complied, or attempted to comply, with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek.

By J. C. Lowery:

That's all we want.

By Applicant:

Will you allow me to tell you who my back parents are?

By Commission:

You get your Choctaw blood through your father, do you? A From my great --

Q Now, wait! From your father? A Yes.

Q How much Choctaw blood did he have? A He was a full blood. What was the name of his father? A Jim Holden.

Q What was the name of his mother? A Sallie McLaughlin, before she married.

Q They were both full bloods? A Yes. And Matthew McLaughlin was my great grand pa - it was my father's - no, grand father.

Q What was your father's grand mother, the wife of this McLaughlin? A I don't know her name, but I know my own grand mother's name.

Lissie Henry, 3.

Q Have you told us the names, now, of all of your Choctaw ancestors whose names you know? A Jack Selden.

Q Who was he? A He was my pa's brother, but I have not heard from him for a good many years.

Q Is that all of your ancestors whose names you know? A I have a cousin who knows more of our back parents than we do, but he is a witness for me; I call him Ben Summit. My back parents and his were together; I think my pa's --

By J.C.Lowery:

You are Choctaw by blood. I say you are Choctaw by blood.

By applicant:

Why, yes; of course, I have got the blood of my mother.

By J. C. Lowery:

All we want is the Commission to make the proper description of the applicant. Now, if she has anything else in her --

By Applicant:

There aint no blood in me, only by my back parents; my daddy was a Choctaw.

By Commission:

Reference is hereby made to the description of the personal appearance of the applicant found in the transcript of evidence given by her at Atoka, Indian Territory, October 9, 1901, and which is correct.

(Applicant excused.)

Benjamin Summit, being called and first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Benjamin Summit.

Q How old are you eighty? A Yes, sir.

Q What's your past office address? A Ardmore, Indian Territory.

Q How long have you lived at Ardmore? A Well, I guess I have been living there about a year.

Q Where did you live before that? A I lived at Wichita, Kansas.

How long did you live there? A Eighteen years.

Q Where did you live before that? A In Iowa.

Q How long did you live there? A About fifteen years.

Where did you live before that? A In Indiana.

Q How long did you live there? A About sixteen years.

Q Where did you live before that? A In Mississippi.

Lizzie Henry, 4.

Q How long did you live there? A Ever since I could remember anything. Born and raised there.

Q How old were you when you left there? A I guess I must have been about twenty - eighteen or twenty, or twenty one years old - must have been older than that; I can't tell exactly.

Q How did you come to go to Indiana? A Well, I'll tell you, I was a rebel soldier and went out in the rebel army, and we were taken prisoners, and when we were taken prisoners they said all that wanted to join the Union side to stand out there, and I enlisted in the Union army. You don't blame me, do you?

Q Have you any Choctaw blood? A Who, me?

Q Yes? A Why, my mammy and daddy was Choctaw; I guess I come from them.

Q You claim to be a full blood, do you? A Why, certainly I do my young man.

Q Do you speak and understand the Choctaw language? A Certainly I can.

Q Are you acquainted with a woman by the name of Lizzie Henry?

A I believe I am. Well, I say I believe I am; I know I am.

Q When did you first see her? A When did I first see her?

Q Yes? A I guess its been about twenty or thirty years ago.

Q Where did you see her then? A I saw her here in the Territory when I was passing through.

Q Is she in the room now? A She is.

Q When did you see her? A Well, I saw her - the first time I ever saw her was in Tishomingo, and the next place was at Ardmore.

Q Were you acquainted with her father and mother? A No, judge, I can't say that, because that is something I don't remember. I can't say anything about that at all. I wasn't acquainted with her father and mother.

Q You don't know their names? A No, don't know anything about them. You see that is too far down, you know.

Q Do you know the names of any of her grand parents? A Sallie McLaughlin. I think Sallie McLaughlin was her grand mother.

Q What makes you think so? A Because she was a sister to my mother. She looks like Sallie McLaughlin.

Q Do you remember the names of any more of this woman's grand parents? A I knew Jack Holden.

Q Was he her grand father? A I don't know whether he was a grand -- he may be a grand uncle; he is some connection; I don't know how.

Q You don't know the names of any more of her grand parents, except Sallie? A Sallie.

Q Do you know the names of Sallie's mother and father? A Well, I don't believe I do, judge.

Q Did Sallie ever live in Indian Territory? A Why, yes.

Q Did you ever see her back there? A Sallie was a sister of my mother.

Q Did you ever see Sallie back there in Mississippi? A Oh! yes, certainly, many and many times.

Q What county did she live in? A Pontotoc.

Q How old would she be if she were living now? A She would be one hundred and forty seven years old if she was living now. My mammy died when she was one hundred and thirty six and ten days old, and she was older than my mammy.

Lizzie Henry, 5.

Q Do you know how old this woman's father would be if he were living now? A Well, no, Judge; I can't testify in that, because I--

Q You never did know him at all? A No, you see that was away back down there before my days; I am testifying something that I know, and that I don't know, I won't testify.

Q You cannot swear that the Sallie McLaughlin referred to as your mother's sister was the grand mother of this applicant?

A Yes, sir; I would for the fact.

Q How do you know? A Just because she looked precisely like her, and just the same kind of a woman.

Q Was Sallie a full blood? A Yes, sir; certainly she was.

Q You understand the fourteenth article of the treaty of Dancing Rabbit Creek? A Oh! certainly I do.

Q Do you know whether Sallie, or any of her children ever complied or attempted to comply with its provisions, or ever received any benefits under that fourteenth article? A I know they complied with it under this head, that she went and complied with old Colonel Ward, and we were drove away like dogs; I am one that was in the crowd; I don't like to talk about it; I am one. I don't like to talk about it.

Q You went with Sallie to see Colonel Ward, did you? A Yes, sir.

Q How old were you then, Ben? A I was fifteen years old.

Q How do you know she was claiming under that fourteenth article? A That's what we were told.

Q Did Sallie own an improvement there in Mississippi at the time this treaty was made? A Yes, sir.

Q Where was it? A I don't know exactly where; but she had to, she lived ---

Q You were not at her house? A No.

Q You never were at her house? A No.

Q Well, now, did she have any children who were grown at that time? A Yes, she had some children grown; they were not exactly grown; she had some older than I was, Jim and Jack, Thompson; then three were older than I was, just a few months, you know; I don't know what become of the boys now.

Q Did Sallie have a Choctaw name? A Yes.

Q What was her Choctaw name? A Her Choctaw name was Mock-a-he.

Q Now, when was it she went before Colonel Ward to register?

A I think it was somewhere in about 1836, or 1840, somewhere about that length of time; I can't remember exactly the date my young man.

Q You remember the time of the treaty being made, don't you?

A The treaty was made in 1830, that is when Rabbit Foot Dance was; I was in that dance; I know all about it.

Q How long after that treaty was made --? A That was about five or six --

Q Wait a minute! How long after that treaty was made, was it you went with Sallie and went before Colonel Ward and tried to register? A It was about five or six years, as near as I can come at it.

Q Where was he located when --? A Well, somewhere near Meridian

Lizzie Henry, 6.

Q Do you know what county? A Well, we called it Pontiac County them days, but now they have got it Pontotoc County.

Q Did Sallie ever get any land from the Government there in Mississippi? A I don't know.

Did she ever get any scrip from the Government? A I don't know anything about that; I couldn't say, because I don't know.

Q When did she leave that country? A I don't know when she left; that I can't tell nothing about it. I am swearing to something I know, and that I don't know, I went swear to.

Q Did you ever see her after you went before Colonel Ward with her? A No.

Q You never saw her after that? A No.

Q Do you know what became of her and her children living at that time? A No, sir; I don't know.

Q How many children did she have living at that time? A Four to my knowing, and she might have had more.

Q What was Sallie's husband's name? A Well, now, judge; you have got me again; that's something I can't answer - that question.

Q Why not? A Because I don't know.

Q Don't remember? A No.

Q If Sallie, or her husband, ever received any benefits whatever as Choctaw Indians, either in land or money under this fourteenth article of the treaty of Dancing Rabbit Creek, you don't know anything about it? A I don't know anything about it at all.

Q Are you certain, now, that about five years after this treaty of Dancing Rabbit Creek was made in Mississippi you, in company with Sallie McLaughlin, and her sister, who is your mother, went before Indian Agent, Colonel Ward, near Meridian, Mississippi, with the intention of claiming under this fourteenth article-claiming land there in Mississippi under this fourteenth article? A Yes, sir.

Q And that was the first attempt --? A That was the first.

Q What you know of on the part of Sallie, or any of her relatives, to comply with the provisions of that fourteenth article? A Why certainly, yes, sir.

By J.C.Lowery:

Q And there at that time, Ben, that you was drove away? A Yes.

Q Is that true, or not? A We were.

Q What relation are you to the applicant? A (No answer.)

By Commission:

Q That has all been passed upon by the applicant.

(The witnesses has the appearance of being a full blood Indian; speaks and understands the Choctaw and English languages.)

Lissie Henry, 7.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 25th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R S Streit
Subscribed and sworn to before me at Muskogee, Indian
Territory this 1st day of July, 1902.


Commissioner.

M C R 3711.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 25, 1902.

Additional Testimony in the matter of the application
of Lizzie Henry for identification as a Mississippi Choctaw.

Appearances:

J. G. Lowery, Attorney for the Applicant.

Lizzie Henry, having been first duly sworn, upon
her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lizzie Henry.
- Q How old are you? A I will be forty three years old the
second day of October.
- Q What is your post office address? A Muskogee, Indian Terri-
tory.
- Q Have you any Choctaw blood? A Yes, sir.
- Q How much? A One half.
- Q Where were you born? A I was born below Lebanon, on the
river.
- Q Have you lived in the Indian Territory all your life?
- A Yes, sir.
- Q You never have been enrolled or admitted as a citizen of the
Choctaw Nation, have you? A No, sir.
- Q Are you the identical Lizzie Henry who appeared before the
Commission at Atoka, Indian Territory, on the ninth day of October,
1901, and made application for identification as a Mississippi
Choctaw, being represented at that time by J. E. Arnold, who was
at that time an attorney in good standing, admitted to practice
before the Commission to the Five Civilized Tribes? A Yes, sir.
- Q Did you also appear before the Commission at Durant, Indian
Territory, in the year 1898, and make application for the enrollment
of yourself and your daughter, Mary Epps, and grand children, Martha
D. Epps and Emma E. Epps, as Choctaws by blood? A I didn't say
by blood, I didn't --.
- Q As Choctaws? A Yes, sir.
- Q What was your maiden name at the time you made that appli-
cation? A My maiden name?
- Q I mean your surname? A Fulson.
- Q Since that time, you have married a man by the name of
Henry, have you? A J. C. Henry. I guess my license certificate
is here. We sent them to Muskogee.

Lizzie Henry, 2.

Q What is the surname of your daughter, Mary Epps, now? A Henry

Q She also married a man by the name of Henry since that application was made for her? A Yes, sir.

Q What was the name of the father of Mary? A John Moore., and then I married Fulson and now Henry.

Q What is the name of the father of Martha D. and Emma E. Epps? A His name is Bill Epps, and the baby, Tommy Henry. This man she last married is his daddy.

Q You desire, at this time, to withdraw the application made by you at Durant, Indian Territory, in the year 1898, in behalf of yourself, daughter, and two grand children, for enrollment as citizens of the Choctaw Nation, and have your rights considered as an applicant for identification as Mississippi Choctaws? A Yes, sir; I was misrepresented by my lawyer.

Q Who is your attorney at this time? A J. C. Lowery.

By J. C. Lowery:

Well, applicant appears today by her attorney, J. C. Lowery, and applies for the renewal of her application for the reason that her former attorney, J.C. Arnold, has defrauded her, and has not complied with the agreement between applicant and J. C. Arnold, nor done her any good whatever. Applicant asks for thirty days time to introduce further testimony relative to her case.

By Commission:

The applicant will be allowed thirty days from this date within which to submit evidence showing, or tending to show, that some of her ancestors complied, or attempted to comply, with the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek.

By J. C. Lowery:

That's all we want.

By Applicant:

Will you allow me to tell you who my back parents are?

By Commission:

You get your Choctaw blood through your father, do you? A From my great --

Q Now, wait! From your father? A Yes.

Q How much Choctaw blood did he have? A He was a full blood.

What was the name of his father? A Jim Holden.

Q What was the name of his mother? A Sallie McLaughlin, before she married.

Q They were both full bloods? A Yes. And Matthew McLaughlin was my great grand pa - it was my father's - no, grand father.

Q What was your father's grand mother, the wife of this McLaughlin? A I don't know her name, but I know my own grand mother's name.

Lizzie Henry, 3.

Q Have you told us the names, now, of all of your Choctaw ancestors whose names you know? A Jack Hudson.

Q Who was he? A He was my pa's brother, but I have not heard from him for a good many years.

Q Is that all of your ancestors whose names you know? A I have a cousin who knows more of our back parents than we do, but he is a witness for me; I call him Ben Summit. My back parents and his were together; I think my pa's --

By J. C. Lowery:

You are Choctaw by blood. I say you are Choctaw by blood.

By applicant:

Why, yes; of course, I have got the blood of my mother.

By J. C. Lowery:

All we want is the Commission to make the proper description of the applicant. Now, if she has anything else in her --

By Applicant:

There aint no blood in me, only by my back parents; my daddy was a Choctaw.

By Commission:

Reference is hereby made to the description of the personal appearance of the applicant found in the transcript of evidence given by her at Atoka, Indian Territory, October 9, 1901, and which is correct.

(Applicant excused.)

Benjamin Summit, being called and first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Benjamin Summit.

Q How old are you eighty? A Yes, sir.

Q What's your post office address? A Ardmore, Indian Territory.

Q How long have you lived at Ardmore? A Well, I guess I have been living there about a year.

Q Where did you live before that? A I lived at Wichita, Kansas.

How long did you live there? A Eighteen years.

Q Where did you live before that? A In Iowa.

Q How long did you live there? A About fifteen years.

Where did you live before that? A In Indiana.

Q How long did you live there? A About sixteen years.

Q Where did you live before that? A In Mississippi.

Lissie Henry, 4.

Q How long did you live there? A Ever since I could remember anything. Born and raised there.

Q How old were you when you left there? A I guess I must have been about twenty - eighteen or twenty, or twenty one years old - must have been older than that; I can't tell exactly.

Q How did you come to go to Indiana? A Well, I'll tell you, I was a rebel soldier and went out in the rebel army, and we were taken prisoners, and when we were taken prisoners they said all that wanted to join the Union side to stand out there, and I enlisted in the Union army. You don't blame me, do you?

Q Have you any Choctaw blood? A Who, no?

Q Yes? A Why, my mammy and daddy was Choctaw; I guess I come from them.

Q You claim to be a full blood, do you? A Why, certainly I do my young man.

Q Do you speak and understand the Choctaw language? A Certainly I can.

Q Are you acquainted with a woman by the name of Lissie Henry?

A I believe I am, Well, I say I believe I am; I know I am.

Q When did you first see her? A When did I first see her?

Q Yes? A I guess its been about twenty or thirty years ago.

Q Where did you see her then? A I saw her here in the Territory when I was passing through.

Q Is she in the room now? A She is.

Q When did you see her? A Well, I saw her - the first time I ever saw her was in Tishomingo, and the next place was at Ardmore.

Q Were you acquainted with her father and mother? A No, judge, I can't say that, because that is something I don't remember. I can't say anything about that at all. I wasn't acquainted with her father and mother..

Q You don't know their names? A No, don't know anything about them. You see that is too far down, you know.

Q Do you know the names of any of her grand parents? A Sallie McLaughlin. I think Sallie McLaughlin was her grand mother.

Q What makes you think so? A Because she was a sister to my mother. She looks like Sallie McLaughlin.

Q Do you remember the names of any more of this woman's grand parents? A I know Jack Holden.

Q Was he her grand father? A I don't know whether he was a grand -- he may be a grand uncle; he is some connection; I don't know how.

Q You don't know the names of any more of her grand parents, except Sallie? A Sallie.

Q Do you know the names of Sallie's mother and father? A Well, I don't believe I do, judge.

Q Did Sallie ever live in Indian Territory? A Why, yes.

Q Did you ever see her back there? A Sallie was a sister of my mother.

Q Did you ever see Sallie back there in Mississippi? A Oh! yes, certainly, many and many times.

Q What county did she live in? A Pontotoc.

Q How old would she be if she were living now? A She would be one hundred and forty seven years old if she was living now. My mammy died when she was one hundred and thirty six and ten days old, and she was older than my mammy.

Liasie Henry, 3.

Q Do you know how old this woman's father would be if he were living now? A Well, no, Judge; I can't testify in that, because I--

Q You never did know him at all? A No, you see that was away back down there before my days; I am testifying something that I know, and that I don't know, I won't testify.

Q You cannot swear that the Sallie McLaughlin referred to as your mother's sister was the grand mother of this applicant?

A Yes, sir; I would for the fact.

Q How do you know? A Just because she looked precisely like her, and just the same kind of a woman.

Q Was Sallie a full blood? A Yes, sir; certainly she was.

Q You understand the fourteenth article of the treaty of Dancing Rabbit Creek? A Oh; certainly I do.

Q Do you know whether Sallie, or any of her children ever complied or attempted to comply with its provisions, or ever received any benefits under that fourteenth article? A I know they complied with it under this head, that she went and complied with old Colonel Ward, and we were drove away like dogs; I am one that was in the crowd; I don't like to talk about it; I am one. I don't like to talk about it.

Q You went with Sallie to see Colonel Ward, did you? A Yes, sir.

Q How old were you then, Ben? A I was fifteen years old.

Q How do you know she was claiming under that fourteenth article? A That's what we were told.

Q Did Sallie own an improvement there in Mississippi at the time this treaty was made? A Yes, sir.

Q Where was it? A I don't know exactly where; but she had to, she lived ---

Q You were not at her house? A No.

Q You never were at her house? A No.

Q Well, now, did she have any children who were grown at that time? A Yes, she had some children grown; they were not exactly grown; she had some older than I was, Jim and Jack, Thompson; them three were older than I was, just a few months, you know; I don't know what become of the boys now.

Q Did Sallie have a Choctaw name? A Yes.

Q What was her Choctaw name? A Her Choctaw name was Mock-a-ho.

Q Now, when was it she went before Colonel Ward to register?

A I think it was somewhere in about 1836, or 1840, somewhere about that length of time; I can't remember exactly the date my young man.

Q You remember the time of the treaty being made, don't you?

A The treaty was made in 1830, that is when Rabbit Foot Dance was; I was in that dance; I know all about it.

Q How long after that treaty was made --? A That was about five or six --

Q Wait a minute! How long after that treaty was made, was it you went with Sallie and went before Colonel Ward and tried to register? A It was about five or six years, as near as I can come at it.

Q Where was he located when --? A Well, somewhere near Veridian

Lissie Henry, 6.

Q Do you know what county? A We 1, we called it Pontiac County them days, but now they have got it Pontotoc County.

Q Did Sallie ever get any land from the Government there in Mississippi? A I don't know.

Did she ever get any scrip from the Government? A I don't know anything about that; I couldn't say, because I don't know.

Q When did she leave that country? A I don't know when she left; that I can't tell nothing about it. I am swearing to something I know, and that I don't know, I went swear to.

Q Did you ever see her after you went before Colonel Ward with her? A No.

Q You never saw her after that? A No.

Q Do you know what became of her and her children living at that time? A No, sir; I don't know.

Q How many children did she have living at that time? A Four to my knowing, and she might have had more.

Q What was Sallie's husband's name? A Well, now, judge; you have got me again; that's something I can't answer - that question.

Q Why not? A Because I don't know.

Q Don't remember? A No.

Q If Sallie, or her husband, ever received any benefits whatever as Choctaw Indians, either in land or money under this fourteenth article of the treaty of Dancing Rabbit Creek, you don't know anything about it? A I don't know anything about it at all.

Q Are you certain, now, that about five years after this treaty of Dancing Rabbit Creek was made in Mississippi you, in company with Sallie McLaughlin, and her sister, who is your mother, went before Indian Agent, Colonel Ward, near Meridian, Mississippi, with the intention of claiming under this fourteenth article-claiming land there in Mississippi under this fourteenth article? A Yes, sir.

Q And that was the first attempt --? A That was the first.

Q That you know of on the part of Sallie, or any of her relatives, to comply with the provisions of that fourteenth article?

A Why certainly, yes, sir.

By J.C. Lowery:

Q And there at that time, Ben, that you was drove away? A Yes.

Q Is that true, or not? A We were.

Q What relation are you to the applicant? A (No answer.)

By Commission:

Q That has all been passed upon by the applicant.

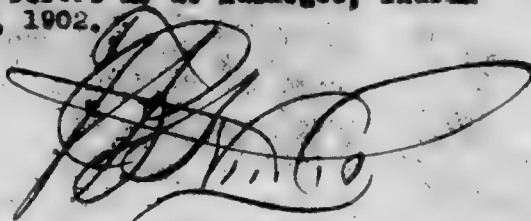
(The witnesses has the appearance of being a full blood Indian; speaks and understands the Choctaw and English languages.)

Exhibit 1, 7.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 25th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory this 15th day of July, 1902.

R. S. Streit

A large, stylized handwritten signature, likely of the Commissioner, in dark ink.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 28, 1902.

#3711.

In the matter of the application of Lizzie Henry for
identification as a Mississippi Choctaw, M. C. R. 3711.

Additional testimony.

J. C. Lowery, Attorney for Applicant.

George Vann called as a witness by applicant, after being
first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A George Vann.
Q How old are you? A I was eighty-seven on the 27th day of
last December.
Q What is your post office address? A Bengo.
Q What Nation? A Cherokee Nation, Indian Territory.
Q How long have you lived in the Cherokee Nation? A I have lived
here in this Nation- I come here in 1836., emigrated here
with the Indians.
Q With the Cherokees? A Yes sir, in 1836.
Q Where did you live before that? A Right on the line of
Mississippi and Tennessee.
Q Are you a Cherokee Freedman? A Yes sir, I am a Cherokee
Freedman.
Q Are you acquainted with this applicant, Lizzie Henry? A
Yes sir, some.
Q How long have you known her? A I knew her when she was small
up until she was about the size of 12 or 13 she might have
been, and then I have not been close around her much more
since.
Q You are sure this woman who is present before the Commission
now is the same woman whom you knew up until she was 12 or
13 years of age? A Yes sir, I was well acquainted with her
father.
Q You are no relation to her? A No sir, I am a Negro.
Q Have you any interest in the result of this application? A
Not a bit in the world.
Q What is your occupation? A I am having farming done, and
preaching is my principal occupation.

Mr. Lowery, what do you expect to prove by this witness?

BY MR LOWERY: We expect to prove that he was well acquainted with her

father through who she claims a right, and knew him to be a full blood Choctaw.

BY THE COMMISSION: Is that all you expect to prove?

BY MR LOWERY: And that he knew her as he stated here.

BY THE COMMISSION: Proceed with the examination.

BY MR LOWERY:

- Q Mr. Vann, did you ever live in the Choctaw Nation? A Yes sir, many years, I married down there.
- Q Where did you get acquainted with her? A On Red river.
- Q Where did you get acquainted with her father? A On Red river.
- Q What was his name? A Tom Holden.
- Q What was his nationality as to race? A He was a full blood Choctaw.
- Q What was his mother language if you know? A He could talk some of both, but when he got into Choctaw I could not understand it, when he talked American language I could understand him.
- Q Were you acquainted with her mother, the applicant's mother? A Yes sir.
- Q What was she? A She was a white woman; I know a white woman when I look at them, and she was as white as that gentleman.
- Q Is Tom Holden living or dead? A I have not seen Tom Holder, I have not seen him for 25 or 30 years, I don't know whether he is dead or alive. ~~He~~ I married and come out of that country; they lived on Red river where Ouchita river runs into Red river and I have not seen him since.
- Q You claim to be a Cherokee Freedman? A Yes sir.
- Q Did any of your owners ever belong to Choctaw people? A Yes sir.
- Q Now, just state to the best of your knowledge about how many years you were down there in the Choctaw country? A I must have been down there from 9 to 10 years.
- Q Those 9 or 10 years was you living anywhere near adjacent to where Tom Holden lived, the applicant's father? A Yes sir, I was preaching intents, and you know how Injuns are, they were over there all the time, and that is how I got acquainted with Jack and Tom Holden, two brothers.
- Q This little girl you seen around there did you ever hear her father call her name? A I don't know that I did, I paid no attention; I did not live with them, but I saw her last down at South McAlester; she must have been when I come from there 12 or 13 years old, about that size; I do not know exactly; and then up to a few years ago since the government has taken hold of the Territory, then I have seen her often, because I have been at court down there and she was there on two or three occasions.
- Q Down where? A At Caddo part of the time; I have seen her several times since, but I never saw her from the time she was 10 or 12 or 13 years until 3 or 4 years back, and I ain't saw her daddy, Tom Holden, it must have been 25 years at least.
- Q You are certain you saw her at Caddo? A Yes sir, and at Fort Smith several times.
- Q Where did they usually hold court, down there at Caddo? A Yes sir, different places.
- Q But you just seen her where they was holding court? A Yes sir, and I passed down there two or three times; and in fact

I preached down there; holding church down there.

MR LOWERY: I would like to make a statement.

THE COMMISSION: Go ahead and make your statement.

MR LOWERY: As this case has been re-opened, as it was presented by Mr. J. E. Arnold who has been disbarred by the Commission, in the former testimony which has been introduced here the applicant claims the statements are erroneous; in which statements it appears that she claims her right through her mother, when in fact she claims her rights through her father, who was a full blood Choctaw.

THE COMMISSION: Reference is hereby made to the testimony of the applicant, Lizzie Henry, taken at Atoka, Indian Territory, on the 9th day of October, 1901, in which appears the following questions and answers: "Q. Through which parent do you claim Choctaw blood?" Answer "My father". Question "How much Choctaw blood do you claim?" Answer "One half".

THE COMMISSION: Are there any further statements you want to make?

MR LOWERY: Nothing further on that line.

THE COMMISSION:

Q When did you first become acquainted with Tom Holden?

WITNESS: A It has been 34 or 5 years or maybe more.

Q Before or after the Civil War? A Way before, say 30 or may have been 40 years ago.

Q Did you know his parents? A No sir.

Q Do not know who they were? A No sir.

Q Nor anything about them? A I do not.

Q Do you know whether Tom was married to this applicant or not? A I don't know only they lived there and she was a white woman and he called her his wife.

Q How many children did they have? A I never seen none except this girl.

Q How long did these people live together as husband and wife? A They were there several years, must have been about ten or twelve years when I lived there—

Q Were they considered generally in the neighborhood in which they lived as husband and wife? A Yes sir, they lived together and she was always called his wife among the people.

Q About how old would Tom Holden be if he were living now? A I really did not know his age before I got acquainted with him.

Q Was he an older man than you or younger? A Younger.

Q About how much younger? A He looked like a young man, not so young,

Q About how much younger than you, ten years, fifteen years? A Yes, he might have been ten years younger than I was, he did not look like an old man.

Q You never were in Mississippi in the old Choctaw Nation? A Yes sir, come right in around Pontotoc County; I have been all over it.

- Q You did not know any of the Holden people there did you? A I don't know.
- Q Do you remember knowing any of them? A I don't remember.
- Q You never heard of any of his people getting any land back there in Mississippi from the government did you? A No sir.
- Q Do you know where Tom Holden was born? A Nothing but what he said.
- Q What did he say? A He said he come from Mississippi, I don't know.

The witness is a Negro of fair intelligence.

Witness excused.

W. H. Martin, being first duly sworn, on his oath states: That as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 28th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this *14* day of July, 1902.

Guy L. V. Emerson
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 25, 1902.

Additional Testimony in the matter of the application
of Lizzie Henry for identification as a Mississippi Choctaw.

Appearances:

J. C. Lowery, Attorney for the Applicant.

Lizzie Henry, having been first duly sworn, upon
her oath testified as follows:

Examination by the Commission.

Q What is your name? A Lizzie Henry.

Q How old are you? A I will be forty three years old the
second day of October.

Q What is your post office address? A Muskogee, Indian Terri-
tory.

Q Have you any Choctaw blood? A Yes, sir.

Q How much? A One half.

Q Where were you born? A I was born below Lebanon, on the
river.

Q Have you lived in the Indian Territory all your life?

A Yes, sir.

Q You never have been enrolled or admitted as a citizen of the
Choctaw Nation, have you? A No, sir.

Q Are you the identical Lizzie Henry who appeared before the
Commission at Ateka, Indian Territory, on the ninth day of October,
1901, and made application for identification as a Mississippi
Choctaw, being represented at that time by J. E. Arnold, who was
at that time an attorney in good standing, admitted to practice
before the Commission to the Five Civilized Tribes? A Yes, sir.

Q Did you also appear before the Commission at Durant, Indian
Territory, in the year 1898, and make application for the enrollment
of yourself and your daughter, Mary Epps, and grand children, Martha
D. Epps and Emma E. Epps, as Choctaws by blood? A I didn't say
by blood. I didn't --.

Q As Choctaws? A Yes, sir.

Q What was your maiden name at the time you made that appli-
cation? A My maiden name?

Q I mean your surname? A Fulson.

Q Since that time, you have married a man by the name of
Henry, have you? A J. C. Henry. I guess my license certificate
is here. We sent them to Muskogee.

Lizzie Henry, 2.

Q What is the surname of your daughter, Mary Epps, now? A Henry
Q She also married a man by the name of Henry since that
application was made for her? A Yes, sir.

Q What was the name of the father of Mary? A John Moore., and
then I married Fulson and now Henry.

Q What is the name of the father of Martha D. and Emma E.
Epps? A His name is Bill Epps, and the baby, Tommy Henry. This
man she last married is his daddy.

Q You desire, at this time, to withdraw the application made
by you at Durant, Indian Territory, in the year 1898, in behalf
of yourself, daughter, and two grand children, for enrollment as
citizens of the Choctaw Nation, and have your rights considered as an
applicant for identification as Mississippi Choctaws? A Yes, sir;
I was misrepresented by my lawyer.

Q Who is your attorney at this time? A J. C. Lowery.

By J. C. Lowery:

Well, applicant appears today by her attorney,
J. C. Lowery, and applies for the renewal of her appli-
cation for the reason that her former attorney, J.C. Arnold,
has defrauded her, and has not complied with the agreement
between applicant and J. C. Arnold, nor done her any good
whatever. Applicant asks for thirty days time to introduce
further testimony relative to her case.

By Commission:

The applicant will be allowed thirty days from this
date within which to submit evidence showing, or tending to
show, that some of her ancestors complied, or attempted to
comply, with the provisions of the Fourteenth Article of
the Treaty of Dancing Rabbit Creek.

By J. C. Lowery:

That's all we want.

By Applicant:

Will you allow me to tell you who my back parents
are?

By Commission:

You get your Choctaw blood through your father, do you? A From
my great --

Q Now, wait! From your father? A Yes.

Q How much Choctaw blood did he have? A He was a full blood.

What was the name of his father? A Jim Holden.

Q What was the name of his mother? A Sallie McLaughlin,
before she married.

Q They were both full bloods? A Yes. And Matthew McLaughlin
was my great grand pa - it was my father's - no, grand father.

Q What was your father's grand mother, the wife of this
McLaughlin? A I don't know her name, but I know my own grand
mother's name.

Lissie Henry, 3.

Q Have you told us the names, now, of all of your Choctaw ancestors whose names you know? A Jack Holden.

Q Who was he? A He was my pa's brother, but I have not heard from him for a good many years.

Q Is that all of your ancestors whose names you know? A I have a cousin who knows more of our back parents than we do, but he is a witness for me; I call him Ben Summit. My back parents and his were together; I think my pa's --

By J.C.Lowery:

You are Choctaw by blood. I say you are Choctaw by blood.

By applicant:

Why, yes; of course, I have got the blood of my mother.

By J. C. Lowery:

All we want is the Commission to make the proper description of the applicant. Now, if she has anything else in her --

By Applicant:

There aint no blood in me, only by my back parents; my daddy was a Choctaw.

By Commission:

Reference is hereby made to the description of the personal appearance of the applicant found in the transcript of evidence given by her at Ateka, Indian Territory, October 9, 1901, and which is correct.

(Applicant excused.)

Benjamin Summit, being called and first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Benjamin Summit.

Q How old are you eighty? A Yes, sir.

Q What's your post office address? A Ardmore, Indian Territory.

Q How long have you lived at Ardmore? A Well, I guess I have been living there about a year.

Q Where did you live before that? A I lived at Wichita, Kansas.

How long did you live there? A Eighteen years.

Q Where did you live before that? A In Iowa.

Q How long did you live there? A About fifteen years.

Where did you live before that? A In Indiana.

Q How long did you live there? A About sixteen years.

Q Where did you live before that? A In Mississippi.

Lizzie Henry, 4.

Q How long did you live there? A Ever since I could remember anything. Born and raised there.

Q How old were you when you left there? A I guess I must have been about twenty - eighteen or twenty, or twenty one years old - must have been older than that; I can't tell exactly.

Q How did you come to go to Indiana? A Well, I'll tell you, I was a rebel soldier and went out in the rebel army, and we were taken prisoners, and when we were taken prisoners they said all that wanted to join the Union side to stand out there, and I enlisted in the Union army. You don't blame me, do you?

Q Have you any Choctaw blood? A Who, me?

Q Yes? A Why, my mammy and daddy was Choctaw; I guess I come from them.

Q You claim to be a full blood, do you? A Why, certainly I do my young man.

Q Do you speak and understand the Choctaw language? A Certainly I can.

Q Are you acquainted with a woman by the name of Lizzie Henry?

A I believe I am. Well, I say I believe I am; I know I am.

Q When did you first see her? A When did I first see her?

Q Yes? A I guess its been about twenty or thirty years ago.

Q Where did you see her then? A I saw her here in the Territory when I was passing through.

Q Is she in the room now? A She is.

Q When did you see her? A Well, I saw her - the first time I ever saw her was in Tishomingo, and the next place was at Ardmore.

Q Were you acquainted with her father and mother? A No, judge, I can't say that, because that is something I don't remember. I can't say anything about that at all. I wasn't acquainted with her father and mother..

Q You don't know their names? A No, don't know anything about them. You see that is too far down, you know.

Q Do you know the names of any of her grand parents? A Sallie McLaughlin. I think Sallie McLaughlin was her grand mother.

Q What makes you think so? A Because she was a sister to my mother. She looks like Sallie McLaughlin.

Q Do you remember the names of any more of this woman's grand parents? A I know Jack Holden.

Q Was he her grand father? A I don't know whether he was a grand -- he may be a grand uncle; he is some connection; I don't know how.

Q You don't know the names of any more of her grand parents, except Sallie? A Sallie.

Q Do you know the names of Sallie's mother and father? A Well, I don't believe I do, judge.

Q Did Sallie ever live in Indian Territory? A Why, yes.

Q Did you ever see her back there? A Sallie was a sister of my mother.

Q Did you ever see Sallie back there in Mississippi? A Oh! yes, certainly, many and many times.

Q What county did she live in? A Pontotoc.

Q How old would she be if she were living now? A She would be one hundred and forty seven years old if she was living now. My mammy died when she was one hundred and thirty six and ten days old, and she was older than my mammy.

Lizzie Henry, 3.

Q Do you know how old this woman's father would be if he were living now? A Well, no, judge; I can't testify in that, because I--

Q You never did know him at all? A No, you see that was away back down there before my days; I am testidying something that I know, and that I don't know, I won't testify.

Q You cannot swear that the Sallie McLaughlin referred to as your mother's sister was the grand mother of this applicant?

A Yes, sir; I would for the fact.

Q How do you know? A Just because she looked precisely like her, and just the same kind of a woman.

Q Was Sallie a full blood? A Yes, sir; certainly she was.

Q You understand the fourteenth article of the treaty of Dancing Rabbit Creek? A Oh! certainly I do.

Q Do you know whether Sallie, or any of her children ever complied or attempted to comply with its provisions, or ever received any benefits under that fourteenth article? A I know they complied with it under this head, that she went and complied with old Colonel Ward, and we were drove away like dogs; I am one that was in the crowd; I don't like to talk about it; I am one. I don't like to talk about it.

Q You went with Sallie to see Colonel Ward, did you? A Yes, sir.

Q How old were you then, Ben? A I was fifteen years old.

Q How do you know she was claiming under that fourteenth article? A That's what we were told.

Q Did Sallie own an improvement there in Mississippi at the time this treaty was made? A Yes, sir.

Q Where was it? A I don't know exactly where; but she had to, she lived ---

Q You were not at her house? A No.

Q You never were at her house? A No.

Q Well, now, did she have any children who were grown at that time? A Yes, she had some children grown; they were not exactly grown; she had some older than I was, Jim and Jack, Thompson; them three were older than I was, just a few months, you know; I don't know what become of the boys now.

Q Did Sallie have a Choctaw name? A Yes.

Q What was her Choctaw name? A Her Choctaw name was Mock-a-he.

Q Now, when was it she went before Colonel Ward to register?

A I think it was somewhere in about 1836, or 1840, somewhere about that length of time; I can't remember exactly the date my young man.

Q You remember the time of the treaty being made, don't you?

A The treaty was made in 1830, that is when Rabbit Foot Dance was; I was in that dance; I know all about it.

Q How long after that treaty was made --? A That was about five or six --

Q Wait a minute! How long after that treaty was made, was it you went with Sallie and went before Colonel Ward and tried to register? A It was about five or six years, as near as I can come at it.

Q Where was he located when --? A Well, somewhere near Meridian

Lizzie Henry, 6.

Q Do you know what county? A Well, we called it Pontiac County them days, but now they have got it Pontotoc County.

Q Did Sallie ever get any land from the Government there in Mississippi? A I don't know.

Did she ever get any scrip from the Government? A I don't know anything about that; I couldn't say, because I don't know.

Q When did she leave that country? A I don't know when she left; that I can't tell nothing about it. I am swearing to something I know, and that I don't know, I wont swear to.

Q Did you ever see her after you went before Colonel Ward with her? A No.

Q You never saw her after that? A No.

Q Do you know what became of her and her children living at that time? A No, sir; I don't know.

Q How many children did she have living at that time? A Four to my knowing, and she might have had more.

Q What was Sallie's husband's name? A Well, now, judge; you have got me again; that's something I can't answer - that question.

Q Why not? A Because I don't know.

Q Don't remember? A No.

Q If Sallie, or her husband, ever received any benefits whatever as Choctaw Indians, either in land or money under this fourteenth article of the treaty of Dancing Rabbit Creek, you don't know anything about it? A I don't know anything about it at all.

Q Are you certain, now, that about five years after this treaty of Dancing Rabbit Creek was made in Mississippi you, in company with Sallie McLaughlin, and her sister, who is your mother, went before Indian Agent, Colonel Ward, near Meridian, Mississippi, with the intention of claiming under this fourteenth article-claiming land there in Mississippi under this fourteenth article? A Yes, sir.

Q And that was the first attempt --? A That was the first.

Q That you know of on the part of Sallie, or any of her relatives, to comply with the provisions of that fourteenth article? A Why certainly, yes, sir.

By J.C.Lowery:

Q And there at that time, Ben, that you was drove away? A Yes.

Q Is that true, or not? A We were.

Q What relation are you to the applicant? A (No answer.)

By Commission:

Q That has all been passed upon by the applicant.

(The witnesses has the appearance of being a full blood Indian; speaks and understands the Choctaw and English languages.)

Liasis Henry, v.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 23th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory this 1st day of July, 1902.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, September 5, 1905.

In the matter of the alleged application for the enrollment of Lizzie Henry as a citizen by intermarriage of the Choctaw Nation.

N. A. Gibson appearing as attorney for the applicant.

Lizzie Henry being first duly sworn testified as follows:
Examination by the Commissioner:

Q What is your name? A Lizzie Henry.

Q How old are you? A Forty-five.

Q What is your postoffice address? A Brock, I. T.

Q Do you claim to be entitled to enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.

Q Have you ever made application to the Commission to the Five Civilized for enrollment as such intermarried citizen? A Not until now that I know of. Not until I married a citizen. I did by blood.

Q You have never prior to this time made application for enrollment as a citizen by intermarriage of the Choctaw Nation?

A No sir.

Q Did you make application as a citizen by blood? A Yes, I went before the Commission several times. Mr. Arnold, my lawyer, tangles me all up.

Q When was it you first made application as a citizen by blood? A Tishomingo, on Monday morning when they had Legislature there about sixteen years ago.

Q When did you first make application to the Commission to the Five Civilized Tribes as a citizen by blood? A I can't tell you because the reason, the way, this came about--I didn't know what was the matter. I didn't understand at the first I reckon. Jim Arnold come and said "You folks are contested", and I didn't know what it meant. He said, "If you will pay me a hundred and fifty apiece I will straighten it up for you", and we jumped in and done it. He said he had to go to Washington; they was having a meeting at Colbert and Atoka of the Commission, and instead of fighting the contest as we supposed he was putting in for citizenship as Mississippi Choctaws.

Q When was it that you first made application, any whatever, to the Dawes Commission, the Commission to the Five Civilized Tribes, for enrollment? A At Tishomingo--

Q You don't say where it was? A I couldn't give the dates for I am under the Doctor and have been three years, and I can't remember, but I suppose about fifteen years--

Q You couldn't have made application to the Dawes Commission fifteen years ago because it was not in existence then.

A Citizenship committee--

Q I am asking when you first applied to the Dawes Commission for enrollment? A I think at Colbert.

Q When was it? A Six years ago this August I think.

Q Six years ago this August you applied for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.

Q Now, what was done with your application, if you know?

A Why, I don't know; it was mixed up with one thing another.

Q Were you admitted or denied as a citizen by blood? A I don't know what the chance is or what they went through the ceremony of.

2-Lizzie Henry.

Q I will ask you again. Do you know whether you were admitted or denied citizenship by blood in the Choctaw Nation? A No, I didn't know for years either way.

Q You don't know whether you were admitted or not? A No sir. It appears from the records of the Commission to the Five Civilized Tribes that in August, 1899, the applicant (as Lizzie Folsom), made application to the Commission to the Five Civilized Tribes for enrollment as a citizen by blood of the Choctaw Nation. Subsequently said application was merged into an application made by her for identification as a Mississippi Choctaw. (See Jacket R-140)

Q How long was it, if you remember, after you applied as a citizen by blood before you changed your application so that you applied for identification as a Mississippi Choctaw? A Its been--well, I never did. My lawyer put that in against me. I never did claim Mississippi Choctaw for I wasn't. There was no Mississippi Choctaws at that time; didn't know what it meant. My lawyer did that himself. He had me going, here and yonder and everywhere.

Q You claim that at this time you never authorized anyone to make application for your enrollment as a Mississippi Choctaw. A No, I had the lawyers of course, to put me on the roll, but he went at it as a Mississippi Choctaw, when I didn't tell him Mississippi Choctaw at all.

Q What instructions did you give your attorney? A I didn't give him any. I thought he would know. I claimed the Indian blood; he knew the law.

Q Did you instruct your lawyer to apply for your enrollment as a Choctaw by blood, or to be identification as a Mississippi Choctaw? A I told him to apply for it as Indian. I don't know anything about what he did. It was before they come here and I told him I wanted to be enrolled as an Indian. Of course, when I didn't know they was coming, I didn't know anything about Mississippi Choctaws. Of course he knew they was coming and he did this for the money.

It further appears from the records of said Commission that application was made for the identification of the applicant as a Mississippi Choctaw, and that on October 15, 1902 the Commission rendered a decision refusing her application for such identification, which decision was approved by the Secretary of the Interior May 29, 1903.

Q Have you ever, at any time, instructed your attorneys to make any application to the Commission to the Five Civilized Tribes for your enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, I went to this man and his partner (indicating her attorney)

Q You mean Mr. Gibson here? A Yes sir.

Q When did you first take the matter up with Mr. Gibson?

A I was talking with McCarty and he said he didn't believe I would ever get the blood right now.

Q When was it that you first talked with Mr. Gibson about securing enrollment as an intermarried citizen? A Well, let's see. I don't know just how long that's been. Its been about a month I guess.

Q Now, this talk that you had with Mr. Gibson is the first time you ever mentioned to anyone that you claimed to be entitled to intermarried rights? A It was the first time I claimed, any more than Mr. McCarty and me talked about it.

3-Lizzie Henry.

Q When did McCarty mention it to you? A He mentioned it several times; first and last way last summer.

Q Last summer was the first time that you and McCarty had any conversation? A Yes sir.

Q Prior to last summer you never said anything to anyone relative to making application as an intermarried citizen? A No, I said I didn't know; it run on and on until about two months ago, and he told me it would be best; he didn't see how I could get the other, the blood right, after the lawyer had mixed me up so. He told me about this man and I had a little talk with him.

Q You have never, until last summer, applied to the Commission to the Five Civilized Tribes, or to anyone else, or said anything to anyone else, with reference to your intermarried rights?

A No sir..

Q And you don't claim that you ever made any application for such enrollment? A No sir.

Q All you have ever applied for, up to the present time, is citizenship by blood and identification as a Mississippi Choctaw?

A Yes, up until this time.

Examination by Mr. Gibson.

Q Where were you born? A I was born down here below Lebanon.

Q In what Nation? A Chickasaw.

Q What is your father's name? A Thomas Holden.

Q In this application for enrollment as a citizen by intermarriage of the Choctaw Nation, have you any proof to show that you were ever married to a citizen of the Choctaw Nation?

A Yes yes, I ought to have.

Q Who was that citizen? A Isaac Fulsom.

Q When were you married to him? A I don't know the date.

Q Where were you living when you were married to him? A Roff.

Q In the Chickasaw Nation? A Yes sir.

Q Examine this paper which I show you? A I can't read.

Q Do you remember the name of the preacher who performed the marriage ceremony between you and Isaac Fulsom? A Hacker I think.

Q Who was present at the time you were married? Do you remember any witnesses? A Yes, there was Isaac's sister, Rildy Land.

Q She was Isaac Fulsom's sister was she? A Yes, and her daughter, but her daughter is dead.

Q Of what nation if any was Isaac Fulsom a citizen? A He claimed Choctaw.

Q Do you know where he is now? A No sir.

Q When did you last hear from him? A I aint heard from him since about a month after me and him separated.

Applicant offers in evidence a copy of the marriage certificate between Lizzie Barnes and Isaac Fulsom; said marriage certificate is attached hereto, marked Exhibit A., and made a part of this record.

Q How long did you live with Isaac Folsom as his wife? A About a year.

Q Are you still married to him? A No sir.

Q How did your marriage terminate? How did you happen to quit living with him? A He just drank so much--

Q Did you get a divorce? A Yes sir.

Q In what nation did you get a divorce? A Chickasaw Nation I guess.

4-Lizzie Henry.

Applicant offers in evidence a certified copy of a decree of the district court of the Chickasaw Nation granting a divorce in favor of Elizabeth Folsom against Isaac Folsom on the 22nd day of November, 1899; said decree of divorce is attached hereto, marked Exhibit B., and made a part of this record.

- Q After your divorce from Isaac Folsom, did you marry anyone else
A Yes sir.
Q Who? A I married John Henry.
Q Are you still living with him as his wife? A Yes sir.
Q Before being married to Isaac Folsom had you ever been married to anyone else? A Yes sir.
Q Who was that? A Barnes.
Q What was his full name? A Raz Barnes.
Q Where were you married to him? A Close to Woxahatchie.
Q In Texas? A Yes sir.
Q What county? A I don't know for certain. I think it is Ellis.
Q How long did you live with Raz Barnes? A I lived six years with him? A
Q You lived in the Territory did you? A Yes sir.
Q Did you then go back to Texas later on? A Just on a visit and back again; his people lived there.
Q Is he living or dead? A I don't know. I heard he was dead.
Q Did you get a divorce? A Yes sir.
Q In what county? A In the same county where the license was got. Woxahatchie.
Q Ellis county? A Yes sir.
Q Have you a copy of that divorce? A No sir.
Q Can you furnish it? A I don't know.
Q Do you know whether he married another woman after your divorce from him? A Yes sir.
Q Where did he go to? A He went way west somewhere and brought her back Nation; he married before I did.

Examination by the Commissioner.

- Q What was your maiden name? A Lizzie Holden.
Q Your first husband's name was Raz Barnes? A No, it was Moore, but he got killed.
Q What was his first name? A J. N. Moore.
Q Was he a white man? A Yes, just as well call him a white man because he never tried to prove his right.
Q You lived with him as his wife until he died? A Yes sir.
Q Then you married Raz Barnes? A Yes sir.
Q Was he a white man? A Yes sir.
Q You lived with him six years, was it? A Yes sir.
Q And then you secured a divorce from him? A Yes sr.
Q Then you married Isaac Folsom? A Yes sir.
Q Isaac Folsom was an Indian? A He claimed to be Choctaw; I don't know how he enrolled, but he claimed Choctaw.
Q You married Isaac Folsom in 1896 did you not? A Yes sir.
Q And you were married to him in the Chickasaw Nation? A Yes sir.
Q Do you know whether he is living at this time or not? A I can't swear that he is living; he might be; I haven't seen him for a long time. In fact, I saw him but once--
Q You don't know whether he has been finally enrolled by the Commission to the Five Civilized Tribes? A He always told me that he was.
Q You are not sure whether he was a Choctaw or Chickasaw, but he claimed to be a Choctaw? A Yes sir.
Q At the time you were married to him where was your home?

5-Lizzie Henry.

- A I was living at Roff.
Q In the Chickasaw Nation? A Yes sir.
Q And he was living in the Chickasaw Nation also? A Yes sir.
Q Was any tribal license secured for that ^{marriage} divorce? A I don't understand what you mean.
Q Was any license at all secured, or did you just go before the minister and was married? A No, we put the money in an envelope and sent it.
Q Prior to your marriage no license was secured? A No; that is, we didn't go to town and buy one like we did when me and him (indicating present husband) was married.
Q Do you know whether Isaac Folsom had ever been married prior to the time he married you? A My understanding from his sister was that he had been once before.
Q Was that former wife living or dead. A They claimed she was dead. I never saw her.
Q Your understanding was that she was dead? A Yes sir.
Q You don't claim to be a white woman do you? A No sir.
Q You claim to be an Indian? A I am an Indian.
Q What nation do you claim to belong to? A Choctaw.
Q How long did you live with Isaac Folsom? A About a year.
Q And you then separated and were subsequently divorced from him? A Yes sir.
Q Then you married John Henry? A Yes sir.
Q Is he a white man? A Yes sir.
Q He has no Indian blood at all? A No sir.

Examination by Mr. Gibson:

- Q At the time you married Isaac Folsom in 1896, state whether you considered yourself a citizen of the Choctaw Nation?
A Yes, I did.
Q Were you holding property in the Choctaw or Chickasaw Nations at that time? Any land or other property? A Yes, I had a place.
Q At that time was it the law and custom for citizens of a tribe in marrying to get a license when they married each other?
A My understanding was that it was not.
Witness excused.

Noah McGill being first duly sworn testified as follows:

Examination by Mr. Gibson:

- Q Your name is Noah McGill? A Yes sir.
Q How old are you? A Fifty-six years old.
Q Where do you live? A Tishomingo.
Q Are you a citizen of any Indian tribe? If so, what one?
A Citizen of the Chickasaw Nation.
Q By blood? A Yes sir.
Q How long have you lived in the Chickasaw Nation? A All my life.
Q Are you a recognized citizen of that tribe at the present time?
A Yes sir.
Q State whether you have ever held any official position in the Chickasaw Nation? A I have held sheriff, constable and jailor.
Q State whether you are acquainted with Lizzie Henry, the applicant in this case? A Yes, I know her.
Q How long have you known her? A I don't know how long; about sixteen, seventeen, nineteen years.
Q State whether you were ever acquainted with Isaac Folsom?

6-Lizzie Henry.

A Yes, I am acquainted with Isaac Folsom.

Q Did you ever know him when he and Lizzie Henry, the claimant in this case, were living together? A Yes sir.

Q Where were they living? A Somewhere in the neighborhood of Roff. I don't know exactly where.

Q State whether she is related or connected with you in any way.

A He is my wife's cousin.

Q Do you know whether or not he is living at this time? A He was about six months ago.

Q Where is he living? A Way down in the Choctaw Nation I think.

Q Near what place? A Poteau I think; somewhere down there; I don't know.

Q Do you know whether or not Isaac Folsom was a citizen of any Indian tribe or not? A Yes sir.

Q What tribe? A Why I reckon--I don't know which he enrolled on. His mother is a Chickasaw and his father a Choctaw.

Q Who was his mother? A Her name was Kitty Folsom. Love before she was married.

Q She was a Chickasaw Indian? A Yes sir.

Q And his father was Choctaw? A Yes sir. I think what he claimed Sampson Folsom; that was his father.

Q State if you ever knew anything about the way Mrs. Henry was regarded as to whether or not she was a citizen up until the past few years? A I don't know whether I could answer that question true or not.

Q You don't know whether she was considered a citizen or not? A No, not at that time.

Q Did you know her father and mother? A No, I never seen her father but once or twice.

Q Do you know what her father's Indian name was, or white name? A Nollotubbee.

Q Where did he live? A He lived at the mouth of the Washita and Red rivers.

Q Was he an Indian? A Yes, he was a full blood.

Q What tribe? A He claimed to be Chickasaw.

Q You didn't know her mother you say? A No, I didn't know her mother. He resided on Sand Creek school house neighborhood; name of Holden.

Q Are there relatives of this man in the Chickasaw Nation now? A Yes, full bloods.

Q Recognized citizens? A Yes sir.

Examination by the Commissioner:

Q You state that Isaac Folsom was a Chickasaw on his mother's side and Choctaw on his father's? A That was my understanding.

Q Have you kept track of him since he ceased to live with Mrs. Henry so that you know where he is, or have you known where he lived? A Since he left her? Well, I was talking with one of his cousins in Tishomingo six months ago and he told me he had filed some land down close to Poteau in the Choctaw Nation, five or six miles this side of Fort Smith.

Q Do you know whether he married again after he left Mrs. Henry? A No, I do not.

Q Do you know whether he has any children? A No sir, I don't.

Q At the time you knew Isaac Folsom where was he living? A First lived in the Choctaw Nation.

Q What county? A I think in Kiamitia county. I couldn't be positive.

7-Lizzie Henry.

Q After that where did he live? A I believe that he lived on Red River in Panola county, Chickasaw Nation and then he moved up on the Blue in Tishomingo county. When the old folks died the children all moved and scattered. One of them, married C. A. Stein at Wapamooka, and another married Cash Land at Reff and another married Burnett.

Q At the time Isaac Folsom married Lizzie Henry he was living in the Chickasaw Nation? A Yes sir.

Q And continued to live there about a year? A Yes sir, somewhere about Reff.

Q Prior to that time his residence had been as you have given it, as far as you can recollect? A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this September 6, 1905.

Edward Merriek
Notary Public.

(C O P Y)

Exhibit A

RoFF I.T

February 6th 1896

This is to Certify I have R.H.J.Hacker a gospel of the minister of the C.P.Church has solemnized the rights of matrimony to join together Isaac Folsom and LIZZIE Barnes Both of the Chickasaw nation

witness
A.D.Barr
his
matilda x. Land
mark

R.H.J.Hacker
my credentials are recorded in
Book A. Page 160 Ardmore I.T

Recorded this June 24.th 1896
george Colbert clerk

This is to certify that the above foregoing is a true and correct certified copy of the original marriage certificate issued to mr. Isaac Folsom and mrs. LIZZIE Barnes is on record in my office
given under my hand this 31st day of August 1905

(Signed) Sam Imotichsy

(SEAL)

county and probate clerk of
pontotoc county C.N.

Department of the Interior
Commissioner to the Five Civilized Tribes,
Filed 9/5/05
Tams Bixby, Commissioner.

(C O P Y)

J.S.Maytubby Atty. for Plaintiff

Exhibit B

Novr Term District Court.
Chickasaw Nation.
Elizabeth Folsom.

V

Isaac Folsom. Petition
For Divorce

the above entitled cause was duly put on trial on the
22nd day of Novr 1899- on a plea of Cruel Treatment verdict of Jury
is that Elizabeth Folsom be granted a divorce from Isaac Folsom
and it is so decreed

(Signed) J. W. Byrd
Forem Jury.

Execution for cost of suit issued against Isaac Folsom.
cost of Suit amt \$26.00

T. B. McLish
Clerk Court

I. O. Lewis
Dist. Judge C N

(C O P Y)

I hereby certify that the above and foregoing is the true
& correct Proceedings had in the Divorce suit wherein, Elizabeth
Folsom is Plaintiff & Isaac Folsom is defendant

Given Under My hand and seal of Office this 4th day of
July A. D. 1904

(Signed) J. Brown

District Clerk.
Chickasaw Nation.
I.T.

(SEAL)

Endorsed:
Department of the Interior
Commissioner to the Five Civilized Tribes.
Filed 9/5/05
Tams Bixby, Commissioner.

COPY.

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the enrollment of Lizzie Folsom as a Choctaw; being sworn and examined by Com'r McKennon she testifies as follows:

- Q What is your name? A Lizzie Folsom.
Q How old are you? A Forty-two.
Q You claim Choctaw citizenship? A Yes sir, my father was a full-blood Choctaw.
Q What is his name? A Tom Holden.
Q What was your mother's name? A Angeline; her name was Cornough,- a German girl,- before she was married.
Q You know whether they were married or not? A Yes sir, they were married in the state of Texas; I don't know where abouts in Texas.
Q Was your father living in Texas then? A No sir, he went over there and married her.
Q He lived here in the Choctaw Nation? A Yes sir
Q You know whether he was a recognized citizen or not? A Yes sir, I suppose he was; he was a full-blood man.
Q Have ever you been on the rolls at all? A No sir
Q You know why that was? A Well I don't know unless it was because I didn't know anything about it at all; I didn't know what I had to do and I didn't have anybody employed.
Q When did your father die? A When I was about ten years old; he came from Mississippi.
Q Where did he die? A He died down here near Lebanon in the Chickasaw Nation.
Q When did your mother die? A She died when I was about twelve years old.
Q You were born here in the Choctaw Nation? A Yes sir,- in the Chickasaw Nation.
Q Have you always lived in the Choctaw and Chickasaw Nation?
A Yes sir all my life.
Q Never lived anywhere else? A No sir.
Q Have you any family? A I have one daughter, and she has two little girls; that is all there is of us.
Q Where are they? A Seven miles south-west of Ardmore.
Q She never has been enrolled, nor her children? A No sir.
Q None of you have? A No sir.
Q Never made any application? A Yes sir, I went to be enrolled and I didn't know how to do, and they would break up, and the next time I would meet them and it was the same thing.
Q Your husband a whiteman? A No sir, I married Isaac Folsom. My daughter's father was a white man, and he died and I married Isaac Folsom, a full-blood man.
Q Where is he now? A I don't know sir.
Q (By Chick. Com'r Walker) Where at? A At Roff.
Q And you don't know where Isaac is now? A No sir.

Lizzie Folsom #2

- Q Aint he at the Valley? A I don't know; I haven't heard from him in three years.
- Q How long did you live with him? A Six months; they had him up for introducing whiskey.
- Q (By Choc. Com'r Lewis) Did Isaac take out a license to marry you? A No sir, we married as two Indians, and had the marriage recorded at Ada by Judge Perry.

Com'r McKennon: We have no authority to put you on the rolls, as you are not on the rolls.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) M.D. Green.

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the enrollment of Lizzie Folsom as a Choctaw;
Being recalled, she testifies:

(Re-called)

- Q You say you have a daughter? A Yes sir.
- Q Is she by a white husband? A Yes sir.
- Q Where were you married to him? A Down on the river in the Chickasaw Nation.
- Q She was born to you of that marriage here? A Yes sir.
- Q Where has she been living? A In the Choctaw and Chickasaw Nations all her life.
- Q What is her name? A Mary Epps now; she was Mary Moore. before she married; she is a daughter of John Moore.
- Q She has how many children? A Two girls.
- Q How old is your daughter? A Twenty last February.
- Q What is the oldest child's name? A Myrtle D. Epps, aged five years and Emma E. Epps, four years old.

Com'r McKennon: This case of yours seems to be all right; you seem to be born a citizen and by misfortune left off. The Commission will call the special attention of the Secretary of the Interior to your case.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to above named Commission that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) M.D. Green.

Cora Moore hereby certifies that as stenographer to the Commissioner to the Five Civilized Tribes she made a copy of the above and foregoing, and that the same is a full, true and complete copy thereof.

Cora Moore
Subscribed and sworn to before me this 13 day of December, 1905.

Myron White
Notary Public.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Lizzie Polson as a Choctaw, being sworn and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Lizzie Polson

Q How old are you? A Forty-two

Q You claim Choctaw citizenship? A Yes sir, my father was a full-blood Choctaw.

Q What is his name? A Tom Bolden

Q What was your mother's name? A Angelina ; her name was Cornsugh, - a German girl, - before she was married.

Q You know whether they were married or not? A Yes sir, they were married in the state of Texas; I don't know whereabouts in Texas.

Q Was your father living in Texas then? A No sir, he went over there and married her.

Q He lived here in the Choctaw nation? A Yes sir

Q You know whether he was a recognized citizen or not?

A Yes sir, I suppose he was; he was a full-blood man.

Q Have ever you been on the rolls at all? A No sir

Q You know why that was? A Well I don't know unless it was because I didn't know anything about it at all; I didn't know what I had to do and I didn't have anybody employed.

Q When did your father die? A When I was about ten years old; he came from Mississippi.

Q Where did he die? A He died down here near Lebanon in the Chickasaw nation.

Q When did your mother die? A She died when I was about twelve years old.

Q You were born here in the Choctaw nation? A Yes sir, - in the Chickasaw nation.

Q Have you always lived in the Choctaw and Chickasaw nations?

Lizzie Folsom #2)

A Yes sir (all of my life).

Q Have you lived anywhere else? A No sir

Q Have you any family? A I have one daughter, and she has two little girls; that is all there is of us.

Q Where are they? A Seven miles south-west of Ardmore.

Q She never has been enrolled, nor her children? A No sir

Q None of you have? A No sir

Q Never made any application? A Yes sir, I want to be enrolled and I didn't know how to do, and they would break up, and the next time I would meet them and it was the same thing.

Q Your husband a white man? A No sir, I married Isaac Folsom. My daughter's father was a white man, and he died and I married Isaac Folsom, a full-blood man.

Q Where is he now? A I don't know sir.

Q (By Chick. Com'r Walker) Where at? A At Roff

Q And you don't know where Isaac is now? A No sir.

Q Aint he at the Valley? A I don't know; I haven't heard from him in three years.

Q How long did you live with him? A Six months; they had him up for introducing whiskey.

Q (By Choe. Com'r Lewis) Did Isaac take out a license to marry you? A No sir, we married as two Indians, and had the marriage recorded at ~~xxxx~~ Ada by Judge Perry.

Com'r McKennon: We have no authority to put you on the rolls, as you are not on the rolls.

----- Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon the official oath as stenographer in the Commission that this transcript is a true, full and correct translation of my stenographic notes.



Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Little Polson as a Choctaw; Being recalled, she testifies:

(Recalled)

Q You say you have a daughter? A Yes sir.

Q Is she by a white husband? A Yes sir.

Q Where were you married to him? A Down on the river in the Chickasaw Nation.

Q She was born to you of that marriage here? A Yes sir.

Q Where has she been living? A In the Choctaw and Chickasaw Nations all of her life.

Q What is her name? A Mary Epps now; she was Mary Moore before she married; she is a daughter of John Moore.

Q She has how many children? A Two girls.

Q How old is your daughter? A Twenty last February.

Q What is the oldest child's name? A Myrtle D. Epps, aged five years and Emma E. Epps, four years old.

Cour. McKennon: This case of yours seems to be all right; you seem to be born a citizen and by misfortune left off. The Commission will call the special attention of the Secretary of the Interior to your case.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Lissie Henry as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on September 5, 1905, Lissie Henry appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

On said date said applicant testified that she had never made application for enrollment as a citizen by intermarriage of the Choctaw Nation, but that in August, 1899, she appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Choctaw Nation.

The records of the Commission to the Five Civilized Tribes show that in August, 1899, the applicant appeared before said Commission at Durant, Indian Territory and made application for enrollment as a citizen by blood of the Choctaw Nation; that on October 9, 1901, said applicant appeared before said Commission at Muskogee, Indian Territory, and made application for identification as a Mississippi Choctaw, and that on motion of the applicant, her application for enrollment as a citizen by blood of the Choctaw Nation was merged with her application for identification as a Mississippi Choctaw. Thereafter, on October 18, 1902, said Commission rendered its decision therein, refusing said application, and on May 29, 1903, said decision was approved by the Department.

It appears from the testimony of the applicant taken at Durant, Indian Territory, in August, 1899, on the occasion of her application for enrollment as a citizen by blood of the Choctaw Nation, that the following questions were propounded and answers thereto made as follows, to-wit:

"Q Your husband was a white man? A No sir, I married Isaac Folsom. My daughter's father was a white man, and he died and I married Isaac Folsom, a full-blood man.

Q Where is he now? A I don't know sir.

Q (By Chick. Com'r Walker) Where at? A At Roff.

Q And you don't know where Isaac is now? A No sir.

Q Aint he at the Valley? A I don't know; I haven't heard from him in three years.

Q How long did you live with him? A Six months; they had him up for introducing whiskey.

Q (By Choc. Com'r Lewis) Did Isaac take out a license to marry you? A No sir, we married as two Indians, and had the marriage recorded at Ada by Judge Perry."

I am of the opinion that the application made for the enrollment of Linnie Henry as a citizen by blood of the Cheate Nation at Durant, Indian Territory, 28 August, 1905, wherein she gave certain testimony relative to her Cheate husband, should also be considered as an application for her enrollment as a citizen by intermarriage of the Cheate Nation, made within the time limited by the provisions of the Act of Congress approved July 1, 1902 (34 Stat., 641), and that the same should now be determined upon its merits, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JAN 20 1906

7-5980.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lizzie Henry as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made to the Commission to the Five Civilized Tribes for the enrollment of Lizzie Henry as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The records of the Commission to the Five Civilized Tribes show that in August, 1899, the applicant appeared before said Commission at Durant, Indian Territory, and made application for enrollment as a citizen by blood of the Choctaw Nation; that on October 9, 1901, said applicant appeared before said Commission at Muskogee, Indian Territory, and made application for identification as a Mississippi Choctaw; and that on motion of the applicant, her application for enrollment as a citizen by blood of the Choctaw Nation was merged with her application for identification as a Mississippi Choctaw. Thereafter on October 15, 1902, said Commission rendered its decision therein, refusing said application, and on May 29, 1903 (I.T.D. 4572-1903), said decision was approved by the Department.

The applicant claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on February 6, 1896, to Isaac Folsom, whom she claims is a citizen by blood of the Choctaw Nation.

It further appears from the records of the Commission to the Five Civilized Tribes that said Isaac Folsom is a recognized and enrolled citizen by blood of the Chickasaw Nation, his name (as Isaac Fulsome) appearing as number 1120 upon a list prepared by said Commission under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior December 12, 1902.

From the record herein it appears that at the time of said marriage both the applicant and the said Isaac Folsom were residents in good faith of the Chickasaw Nation.

It does not appear from the record herein or from the records in possession of the Commission to the Five Civilized Tribes that the applicant has ever been enrolled by the tribal authorities of the Choctaw or Chickasaw Nation, or admitted to Choctaw or Chickasaw citizenship by the tribal authorities of either of said nations, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), nor has said applicant ever been married to Isaac Folsom,

through whom she claims her intermarried rights, by virtue of a license issued by the tribal authorities of either the Cheetaw or Chickasaw Nation.

It further appears from the records in possession of this office that the name of the said Isaac Folsom does not appear upon any of the Cheetaw tribal rolls, but that he is, as above set forth, a recognized and enrolled citizen by blood of the Chickasaw Nation.

I am, therefore, of the opinion that in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of September 1, 1905 (U.S.N. 10492-1905), in the Cheetaw enrollment case of Emma Seifried, Elsie Henry is not entitled to enrollment as a citizen by intermarriage of either the Cheetaw or Chickasaw Nation, and that her application for enrollment as a citizen by intermarriage of the Cheetaw Nation should be denied in accordance with the provisions of the Act of Congress approved June 28, 1906 (34 Stat., 498), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

APR 28 1906

all
C.C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lizzie Henry, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Lizzie Henry

M.C.R. 3711

Mary Henry, et al.,

M.C.R. 289.

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Lizzie Henry for herself, and by Mary Henry for herself,
her husband Joe Henry as an intermarried Mississippi Choctaw, and
her three minor children Myrtle E. and Emma E. Rops and Torney F.
Henry, under the following provision of the act of Congress approved
June 28, 1898 (30 Stats., 493):

"This Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation conclud-
ed September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses,
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jim Holden and Matthew McLaughlin, both of whom are alleged to have been full blood Choctaw Indians.

It farther appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

The record shows that applicants have offered in evidence a certified copy of an extract from a volume entitled a "Compilation of Choctaw Reservations, treaty of eighteen hundred and thirty", showing the reservation of Matthew McLaughlin under article nineteen of said treaty; and it is also shown by page 74 of American State Papers, Public Lands, Volume VII, that one Matthew McLaughlin was a resident of Moshulatubbe's district in the territory occupied by the old Choctaw Nation in the states of Mississippi and Alabama in eighteen hundred and thirty and at that time had lands in cultivation in exchange for which he received stipulated tracts of other lands. Neither the document offered by the applicants in evidence nor the record above cited relates to article fourteen or shows a compliance or attempted compliance with its provisions on the part of the said Matthew McLaughlin.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jim Holden, or Matthew McLaughlin, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 184 () Stats 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Henry, Mary Henry, Myrtle E. Epps, Emma E. Epps and Tommey E. Henry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Henry for the identification of her husband

Joe Henry, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

James H. Hays

Acting Chairman.

T. B. Jackson

Commissioner.

W. B. Hays
Commissioner.

Muskogee, Indian Territory,

OCT 15 1907

W.C.M. 3711.

Muskogee, Indian Territory, September 2, 1902.

Lissie Henry,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23th ult., enclosing certified copy of the record of the General Land Office showing that Matthew McLaughlin received land under article nineteen of the Choctaw treaty of 1830.

The same has been filed with the record in your case.

Yours truly,

Acting Chairman.

M.C.R. 3711

Muskogee, Indian Territory, October 15, 1902.

J.G.Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Henry, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Henry,	M.C.R. 3711
Mary Henry, et al.,	M.C.R. 287

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Henry, Mary Henry, Myrtle E. Epps, Emma W. Epps and Tommey P. Henry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the appli-

J.G.R.--2

cations for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Henry for the identification of her husband Joe Henry, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

COPY.

M.C.R. 3711

Muskogee, Indian Territory, October 15, 1902.

Lizzie Henry,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Henry, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Henry,	M.C.R. 3711
Mary Henry, et al.,	M.C.R. 287

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Henry, Mary Henry, Myrtle E. Epps, Emma E. Epps and Tommy F. Henry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under

L.H.---2

the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Henry for the identification of her husband Joe Henry, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

W. D. H. H. H.

Commissioner in Charge.

Registered.

M.C.R. 3711

Muskogee, Indian Territory, October 15, 1902.

J.C.Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Henry, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Henry,
Mary Henry, et al.,

M.C.R. 3711
M.C.R. 287

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Henry, Mary Henry, Myrtle E. Epps, Emma E. Epps and Tommy F. Henry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of

J.C.L.---2

the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Henry for the identification of her husband Joe Henry, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. D. Cordier.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, October 15, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Henry, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Henry,	M.C.R. 3711
Mary Henry, et al.,	M.C.P. 287

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 497) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

N.M. & C.--2

Lizzie Henry, Mary Henry, Myrtle E. Epps, Emma E. Epps and Tommy V. Henry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Henry for the identification of her husband Joe Henry, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, October 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lizzie Henry, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 15, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Lizzie Henry,	M C R 3711
Mary Henry, et al.,	M C R 287

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(S. C. R.)

Through the Commissioner
of Indian Affairs.
Enc. M C R 3711.

Acting Chairman.

(C O P Y)

D.C.16724

W.C.F.

ITD.4572-1903.

BAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N .

May 29, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 31, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Lizzie Henry, and of Mary Henry for herself and her minor children, Myrtle E. Epps, Emma E. Epps and Tommy F. Henry, and for her husband, Joe Henry, as an intermarried Mississippi Choctaw. By decision dated October 15, 1902, you refused the applications.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Matthew McLaughlin, through his daughter, Sallie McLaughlin, and her husband, Jim Holden, through their son, Tom Holden, father of the principal applicant, it being alleged that the said Matthew McLaughlin, Sallie McLaughlin and Tom Holden were residents of the Choctaw Nation in Mississippi at the date of the making of the treaty of 1830, and, as such, attempted to comply with the provisions of article 14 of said treaty.

The evidence furnished by the record is insufficient to establish the fact that any one of said ancestors complied or attempted to comply with the provisions of said article of the treaty or with the subsequent acts of Congress relating thereto.

The records of the Indian Office fail to show that any of the said ancestors ever complied or attempted to comply with the provisions of said article or acts.

There was a Matthew McLaughlin who was an applicant for a reservation under the nineteenth article of the Choctaw treaty, and there was approved for him a reservation in Tallahatchie County, Mississippi. The records show that Matthew McLaughlin with his family, consisting of one male over 25 and under 50 years of age, three females under 10 and one female over 25 and under 50, was transported west by the Government in the first general Choctaw emigration, they having arrived in the Choctaw Nation west, previous to December 10, 1832.

Reporting May 20, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

A copy of the Acting Commissioner's report is inclosed herewith.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

(C O P Y)

Land.
65,775-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, May 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes, in the matter of the application of Lizzie Henry for herself, and of Mary Henry for herself, her husband, Joe Henry, as an intermarried Mississippi Choctaw, and her three minor children, Mrytle E. and Emma E. Epps and To ~~my~~ F. Henry for identification as Mississippi Choctaws, wherein a decision rejecting the applicants was rendered by the Commission to the Five Civilized Tribes on October 15, 1902.

The record in this case shows that the applicants base their claims to identification on their descent from Thomas Holden, Matthew McLaughlin and his wife, Sallie, Daughter of Thomas Holden, whom it is claimed were citizens of the Choctaw Nation in Mississippi in 1830, or previously, it being alleged that Matthew McLaughlin and his wife were actual residents of the Choctaw Nation in Mississippi in 1830, and, as such, complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The applicants were rejected by the Commission for the reason that its records fail to show the name of Jim Holden among the names of those Choctaw Indians who applied for or received benefits under the 14th article of the Choctaw Treaty of 1830.

The Commission states that its records containing a compilation of Choctaw reservations, treaty of 1830, show the reservation of Matthew McLaughlin under Article 19 of said treaty.

An examination of the records of this office shows that the names of Jim Holden, Thomas Holden and Allie McLaughlin nee Holden, do not appear among the names of those Choctaw Indians, who applied for or received benefits under the provisions of the 14th Article of the Choctaw treaty. The records of this office do not show that Matthew McLaughlin was an applicant for a reservation under the 19th article of the Choctaw treaty, and there was approved for him as a reservation the S.E./4 section 29 T. 23 N., R. 2W., Tallahatchie County, Mississippi. The records of this office show that Matthew McLaughlin with his family, consisting of one male over 25 and under 50 years of age, three females under 10 and one female over 25 and under 50, was transported west by the Government in the first General Choctaw emigration, they having arrived in the Choctaw Nation, west, previous to December 10, 1832.

These being the facts, it is apparent that the decision of the Commission rejecting the applicants was correct, and I therefore recommend that it be approved.

Very respectfully,

Acting Commissioner.

KBH-Col.

M C R 3711
M C R 287

Muskogee, Indian Territory, July 9, 1903.

Lizzie Henry,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 23, 1903, in which you ask if the record in your case and that of Mary Henry, et al., has been forwarded to the Department.

In reply you are informed that on October 31, 1902, the record in the consolidated Mississippi Choctaw case of Lizzie Henry et al., of which the application of Mary Henry, et al., was a part, together with the decision of the Commission refusing said application, was forwarded to the Secretary of the Interior.

The Commission has not up to the present time been advised of any departmental action taken in said consolidated case. As soon as the Commission is informed of the decision of the Secretary the applicants will be duly notified thereof.

Respectfully,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, July 15, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 29th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Henry, et al., of which decision you were advised by mail on the 15th day of October, 1902.

Respectfully,

(SIGNED)

I. E. Needles.

Commissioner in Charge.

M.C.R.3711

COPY:

Muskogee, Indian Territory, July 15, 1903.

J. O. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 29th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Henry, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

M.C.R. 3711

COPY:

Muskogee, Indian Territory, July 18, 1903.

Lissie Henry,

Ardmore, Indian Territory.

Dear Madam:

You are hereby notified that on the 29th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lissie Henry, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

T. B. Neff
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 15, 1903.

J. G. Halls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 29th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Henry, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

(SIGNED)

G. B. Needles.

Commissioner in Charge.

M C R 3711

Muskogee, Indian Territory, July 21, 1903.

Lizzie Henry,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state "Your letter of the 15th inst. received, stating that the Secretary approved of the decision of the Commission refusing my application for identification as a Mississippi Choctaw, and that I was advised of the decision of the Commission by registered mail on the 15th day of October, 1902. I beg to state I have never received any registered letter from the Commission, and request that I be furnished with a copy of the decision of the Commission."

In reply you are informed that the Commission holds return registry receipt for said letter, with your signature thereon.

Respectfully,

Commissioner in Charge.

M C R 3711

Muskogee, Indian Territory, July 29, 1903.

Winfield S. Farmer,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, enclosing sworn petition of Lizzie Henry praying for a rehearing in the consolidated Mississippi Choctaw case of Lizzie Henry, et al. Said petition has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Land.48983-1903.

COPY.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a communication from the Commission to the Five Civilized Tribes, dated July, 29, 1903, forwarding for the consideration of the Department a petition of Lizzie Henry, praying for a rehearing in the consolidated Mississippi Choctaw case of Lizzie Henry et al.

The Commission states that it transmitted the record therein together with the decision of the Commission refusing the several applications to the Department on October 31, 1902; that on May 29, 1903, the Department approved the decision of the Commission and that on July 15, 1902, the several applicants were duly notified of such Departmental action.

The petition transmitted herewith was filed with the Commission on July 27, 1903. I have examined said petition and find that the petitioner asks for a re-hearing on the ground that she was not permitted ^{by the Commission} to furnish more and further proof in support of her claim as the descendant of a Mississippi Choctaw, and the petitioner then states that she can and expects to prove by ----- Boyd, of McGee Indian Territory, that he was well and personally acquainted with

Tom Holden, and was well acquainted with the applicant herein and knows that the applicant herein is a daughter of the said Tom Holden who was a descendant of Mathew McLaughlin, a full-blood Choctaw Indian who died in the State of Mississippi; that she can and expects to prove by Jack Holden, of the Choctaw Nation, Indian Territory, that he is a brother of Tom Holden, and that Tom Holden was a descendant of Mathew McLaughlin, a full-blood Choctaw Indian who died in the State of Mississippi, and that the applicant herein is a daughter of the said Tom Holden, and that the said Tom Holden was a grandson of the said Mathew McLaughlin; and that she expects to furnish other and more proof to show that she is a grand daughter of the said Mathew McLaughlin.

The office considers that if this petitioner should in fact furnish evidence of all the facts alleged in her said petition it would not in any way tend to prove her right to identification as a Mississippi Choctaw, entitled to rights in the lands of the Choctaw Nation under the provisions of Article 14 of the treaty of 1830. It is therefore the opinion of the office that her application for a re-hearing should be denied.

Very Respectfully,

A.C. Tenner
Acting Commissioner

W.C.B.(R)

Muskogee, Indian Territory, July 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Lizzie Henry, et al., the record therein, together with the decision of the Commission refusing the several applications in this case, was, on October 31, 1902, transmitted to the Department.

On May 29, 1903, the Department approved the decision of the Commission in this case, and on July 15, 1903, the several applicants were duly notified of such departmental action.

On July 27, 1903, the Commission received the sworn petition of Lizzie Henry praying for a rehearing in said case in order that she might introduce additional evidence in support of her claim. Said petition is herewith transmitted.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Land.48983-1903.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a communication from the Commission to the Five Civilized Tribes, dated July, 29, 1903, forwarding for the consideration of the Department a petition of Lizzie Henry, praying for a rehearing in the consolidated Mississippi Choctaw case of Lizzie Henry et al.

The Commission states that it transmitted the record therein together with the decision of the Commission refusing the several applications to the Department on October 31, 1902; that on May 29, 1903, the Department approved the decision of the Commission and that on July 15, 1902, the several applicants were duly notified of such Departmental action.

The petition transmitted herewith was filed with the Commission on July 27, 1903. I have examined said petition and find that the petitioner asks for a re-hearing on the ground that she was not permitted ^{by the Commission} to furnish more and further proof in support of her claim as the descendant of a Mississippi Choctaw, and the petitioner then states that she can and expects to prove by ----- Boyd, of McGee Indian Territory, that he was well and personally acquainted with

Tom Holden, and was well acquainted with the applicant herein and knows that the applicant herein is a daughter of the said Tom Holden who was a descendant of Mathew McLaughlin, a full-blood Choctaw Indian who died in the State of Mississippi; that she can and expects to prove by Jack Holden, of the Choctaw Nation, Indian Territory, that he is a brother of Tom Holden, and that Tom Holden was a descendant of Mathew McLaughlin, a full-blood Choctaw Indian who died in the State of Mississippi, and that the applicant herein is a daughter of the said Tom Holden, and that the said Tom Holden was a grandson of the said Mathew McLaughlin; and that she expects to furnish other and more proof to show that she is a granddaughter of the said Mathew McLaughlin.

The office considers that if this petitioner should in fact furnish evidence of all the facts alleged in her said petition it would not in any way tend to prove her right to identification as a Mississippi Choctaw, entitled to rights in the lands of the Choctaw Nation under the provisions of Article 14 of the treaty of 1830. It is therefore the opinion of the office that her application for a re-hearing should be denied.

Very Respectfully,

A.C. Tonner
Acting Commissioner

W.C.B.(K)

D.C.24357

ITD.6204

WCF.RAF.

L.R.S.

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DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

On July 29, 1903, you transmitted a petition for rehearing in the consolidated Mississippi Choctaw case of Lizzie Henry et al., signed by Lizzie Henry. On May 29, 1903, your decision rejecting the applicants was approved by the Department.

The petitioner states that she was not notified by the Commission of her rejection as an applicant, and for that reason was not permitted to furnish further proof in support of her claim. She also states that she expects to prove by one Boyd, of Mudgee, I.T. and Jack Holden of the Choctaw Nation, that the ancestor through whom the applicant claims was a full blood Choctaw Indian.

Reporting August 12, 1903, the Acting Commissioner of Indian Affairs recommends that the petition be denied.

The Department approved your decision rejecting the applicants, for the reason that the record evidence and the records of the Indian Office failed to show that the ancestor through whom the applicants claimed descent complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or the subsequent acts of Congress relating thereto.

Inasmuch as there is nothing in the testimony which the petitioner alleges that she can produce, which would tend to prove that her ancestors did comply with said article or acts, the Department fails to see wherein the applicants would be benefitted by a rehearing in the matter. The petition is therefore denied.

You are directed to inform the petitioner as to the requirements necessary to secure a rehearing in Mississippi Choctaw cases, as set forth in Departmental letter of July 29, 1903, relative to the case of Triona Brashears et al.

Respectfully,

M.W. Miller,
Acting Secretary.

Muskogee, Indian Territory, September 16, 1903.

Lizzie Henry,

Ardmore, Indian Territory.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of August 24, 1903, denying your petition for a rehearing in the matter of your application for identification as a Mississippi Choctaw.

The Commission is directed by the Department to advise you that motions for rehearsings are granted in those cases where sufficient reason appears for so doing. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicant can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said

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article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicant's ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Department through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the requires testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

A copy of the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw cases is herewith enclosed, and by reference thereto you will note that under rules 12 and 13 proof of service upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Cornish, South McAlester, Indian Territory, of a copy of the interrogatories must be filed with the Commission. Such service may be procured by sending the original interrogatories and copy thereof to the United States Marshal at South Mo-

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Alister, Indian Territory, with instructions to make service of the copy upon said attorneys, returning the original with proof of service to this Commission.

You are further advised that you will be allowed thirty days from this date within which to submit depositions of witnesses in support of a motion for a rehearing in the Mississippi Choctaw application of yourself for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

McM XX

R & R Dep

Muskogee, Indian Territory, October 17, 1903.

Lissie Henry,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter without date enclosing your affidavit, together with interrogatories propounded to Danie Underwoe, and the same not being in proper form are herewith returned. You are informed that your affidavit is insufficient inasmuch as it does not conform to rules 1 and 2 of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, wherein it is provided that the affidavit must set forth one or more of the causes enumerated under rule 1 for the taking of such depositions; that the testimony of the witness is material to his claim and specify the evidence sought to be adduced in the taking of such depositions.

You must also file with the Commission the interrogatories propounded to the witness whose full name and residence must be given.

A copy of said rules are herewith enclosed and by reference thereto you will note that under rule 12, proof of service upon the attorneys of the Choctaw and Chickasaw Nations,

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Kansfield, McMurray & Cornish, South McAlester, Indian Territory, of a copy of the interrogatories must be filed with the Commission. Such service may be procured by sending the original interrogatories and copies thereof to the United States Marshal at South McAlester, Indian Territory, with instructions to make service of a copy upon said attorneys, returning the original, with proof of service, to this Commission.

Upon the return of the above mentioned papers in proper form the same will receive further consideration.

Respectfully,

J D 1-17
R & R Dep.

Chairman.

Muskogee, Indian Territory, January 15, 1904.

A. M. Oliphant,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you ask to be advised the status of the Mississippi Choctaw case of Lizzie Henry, et al.

In reply you are informed that it appears from our records that on May 29, 1903, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Lizzie Henry, et al., of which departmental action she was duly advised on July 15, 1903.

On July 29, 1903, the Commission received from Winfield S. Farmer, attorney at law, Atoka, Indian Territory, a sworn petition signed by Lizzie Henry, praying for a re-hearing in the matter of her application for identification as a Mississippi Choctaw, and the same was on that date forwarded to the Secretary of the Interior.

August 24, 1903, the Secretary of the Interior denied the motion of Lizzie Henry for a rehearing in her case, and instructed the Commission to advise her of the requirements necessary to

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secure rehearings in Mississippi Chestaw cases, and she was, on September 16, 1903, advised accordingly.

On October 17, 1903, the Commission received from said Lizzie Henry her affidavit, together with interrogatories to be propounded to Danie Underwood, and the same not being in proper form were returned her.

The Commission has not been advised of any further action in the case.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 21, 1904.

Andrew M. Oliphant,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, relative to the Mississippi Choctaw case of Lizzie Henry, et al. You state that application should not have been made for her as a Mississippi Choctaw, and ask if you can make application for her as a citizen by blood of the Choctaw Nation.

In reply you are informed that in August, 1899, at Durant, Indian Territory, Lizzie Folsom (who has since married John C. Henry, and who, it is believed, is the person concerning whom you make inquiry), appeared before Honorable A. S. McKennon, who was then a member of this Commission, and made application for the enrollment of herself, her daughter, Mary Epps, and two grandchildren, Myrtle D. and Emma E. Epps, as citizens by blood of the Choctaw Nation.

On October 9, 1901, at Atoka, Indian Territory, Lizzie Henry made application to this Commission for identification as a Mississippi Choctaw, and on June 25, 1902, said Lizzie Henry and one Benjamin Summit, a witness, appeared before the Commission at

A M O 2

Muskogee, Indian Territory, and gave additional testimony in support of this case. At this time the applicant testified that she had formerly appeared before the Commission at Durant and made application for the enrollment of herself, daughter, and granddaughters as citizens by blood of the Choctaw Nation.

The Commission rendered a decision on October 15, 1902, refusing the application made by Lizzie Henry for identification as a Mississippi Choctaw, and in that decision passed upon any rights she might have as a citizen by blood of the Choctaw Nation. The record in this case, together with the decision of the Commission, was forwarded to the Secretary of the Interior and said decision was approved by him on May 29, 1903, of which departmental action the applicant was notified on July 15, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 3, 1904.

Andrew M. Oliphant,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 11, 1904, by reference from the Secretary of the Interior. Therein you state that you represent one Lizzie Henry "who applied to the Dawes Com. for enrollment as a citizen of the Choctaw Nation by blood and who as the facts stand was fraudulently induced by a firm of lawyers at Ardmore to apply to said Commission as a Miss Choctaw." You ask that you be allowed to introduce proof to show that she is a citizen by blood of the Choctaw Nation, stating that "the Indian name of her father, Anolatubby, was on the old rolls of the Choctaw Nation and was a recognized member of the tribes."

In reply you are informed that, as outlined to you in our letter of January 21, 1904, any rights that Lizzie Henry might have as a citizen by blood of the Choctaw Nation were adjudicated in the decision of the Commission of October 15, 1902, refusing her application for identification as a Mississippi Choctaw.

You are further advised that the records of the Choctaw

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Nation in the possession of the Commission have been carefully examined and the name Anolatubby, which you claim is the Indian name of Lissie Henry's father, is not found thereon.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 19, 1904.

J. S. Mullen,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 8, referring to the identification of Lizzie Henry as a Chickasaw Indian and giving certain information relative to the names of her parents. You state that while Lizzie Henry might lose her rights as a citizen by virtue of having made application before the Commission for enrollment as a Mississippi Choctaw, she is, nevertheless, a Chickasaw Indian and you think that upon an investigation of the records of the Commission that Lizzie Henry will be found to have been enrolled as a member of the Chickasaw Tribe of Indians.

In reply to your letter you are informed that the name of Lizzie Henry, as Lizzie Fulson or Lizzie Inolatubby or under her English name of Lizzie Holden, is not found upon any of the Chickasaw Tribal Rolls in the possession of the Commission, nor does it appear that application has been made to the Commission for her enrollment as a citizen of the Chickasaw Nation.

The Commission is, therefore, without authority to receive

J S M 2

or consider an application on her behalf for enrollment as a citizen
of the Chickasaw Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of June 25, 1904, stating that on February 24, 1904, the Department referred to this Commission for report and recommendation, a communication dated February 11, 1904, from Andrew M. Oliphant, Tishomingo, I. T., asking that the Mississippi Choctaw case of Lizzie Henry, nee Holders, be reopened, in order that she may prove her right to enrollment as a Choctaw by blood. The Department requests that an early report be made in regard to this matter.

The Commission has the honor to advise that in August, 1899, at Durant, Indian Territory, Lizzie Folsom (who has since married John C. Henry) appeared before Honorable A. S. McKennon, who was then a member of this Commission, and made application for the enrollment of herself, her daughter Mary Epps, and two grandchildren, Myrtle D. and Emma E. Epps, as citizens by blood of the Choctaw Nation.

On October 9, 1901, at Atoka, Indian Territory, Lizzie Henry made application to this Commission for identification as a Mississippi Choctaw, and on June 25, 1902, said Lizzie Henry and

(2)

one Benjamin Summit, a witness, appeared before the Commission at Muskogee, Indian Territory, and gave additional testimony in support of this case. At this time the applicant testified that she had formerly appeared before the Commission at Durant and made application for the enrollment of herself, daughter, and granddaughters as citizens by blood of the Choctaw Nation.

The rights of Lizzie Henry as a citizen by blood of the Choctaw Nation were fully adjudicated in the Commission's decision of October 15, 1902, refusing her application for identification as a Mississippi Choctaw. In said decision it is stated that from the evidence submitted in support of said applications and from the records in the possession of the Commission it does not appear that this applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). And further, that it does not appear that any Choctaw ancestor of Lizzie Henry complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

The Department, in its letter of May 29, 1903 (I T D 4872-1903), approved the decision of the Commission of October 15, 1902,

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of which departmental action the parties in interest were duly notified on July 15, 1903.

On July 29, 1903, the Commission received from Winfield S. Farmer, attorney at law, Atoka, Indian Territory, a sworn petition of Lizzie Henry praying for a rehearing in the consolidated Mississippi Choctaw case of Lizzie Henry, et al., and on the same date said petition was forwarded to the Secretary of the Interior.

In departmental letter of August 24, 1903 (I T D 6204-1903) Lizzie Henry's petition for a rehearing was denied and the Commission was instructed to inform the petitioner as to the requirements necessary to secure a rehearing in Mississippi Choctaw cases, as set forth in departmental letter of July 29, 1903, relative to the case of Triona Brashears, et al. The applicant was accordingly advised on September 16, 1903.

The letter of Andrew M. Oliphant, dated February 11, 1904, and referred to this Commission for report and recommendation was, through error, replied to directly from this office on March 3, 1904, and is herewith enclosed. No further communications have been received from Mr. Oliphant in regard to this matter.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

McM 77

MCR 3711

Muskogee, Indian Territory, September 22, 1905.

Mrs. G. W. Scantlen,

Stigler, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, asking if the Commissioners or A. S. McKennon sent your name, Lizzie Folsom, to the Secretary of the Interior for approval.

In reply you are advised that it appears from the records of ~~the~~ office that you made application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw under the name of Lizzie Henry.

The Secretary of the Interior on May 29, 1903, approved the decision of the Commission to the Five Civilized Tribes rendered October 15, 1902, refusing to identify you as a Mississippi Choctaw. Your case is considered closed and it is not believed that you are entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

7-5980.

COPY

Muskogee, Indian Territory, April 28, 1906.

Lizzie Henry,

Brook, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Dixby*

Commissioner.

Registered.

Incl. 7-5980.

7-5980.

COPY

Muskogee, Indian Territory, April 28, 1906.

N. A. Gibson,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for the enrollment of Lizzie Henry as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Registered.

Incl. 7-5980.

7-5980.

COPY

Muskogee, Indian Territory, April 28, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for the enrollment of Lizzie Henry as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamoc Lingo*
Commissioner.

Incl. 7-5980.

COPY

Muskogee, Indian Territory, April 28, 1906.

The Honorable, .

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lizzie Henry as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, denying said application.

Respectfully,

SIGNED

Tamo Diney

Commissioner.

2 Incl. 7-6980.

Through the
Commissioner of Indian Affairs.

M C R 287
M C R 3711

Muskogee, Indian Territory, August 10, 1906.

James H. Mathers,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th ultimo, requesting to be advised the status of the citizenship case of Lizzie Henry, nee Polson; Mary Henry, nee Epps; Myrtle Epps; Lizzie Epps; Tommie Henry; Johnie Henry and Autrey Henry--Chooctaws. You state these parties inform you that this case has been pending for several years and they would like to know as to the probable time a positive decision will be rendered as they desire to file their lands.

In reply you are informed that we are unable to locate the names of Lizzie Epps, Johnie Henry and Autrey Henry upon the records of this office.

As to the other parties mentioned in your letter you are advised that on October 15, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Chooctaws, Lizzie Henry, Mary Henry, Myrtle E. Epps, Emma E. Epps and Tomney F. Henry. Such rights as these persons might have as citizens by blood of the Chooctaw Nation were also adjudicated in said decision.

Notice of this action of the Commission was furnished by

J H M 2

registered mail to Lizzie Henry, Ardmore, Indian Territory; Mary Henry, Ardmore, Indian Territory; and the attorneys of record in the case, J. C. Lowery, Muskogee, Indian Territory, and J. G. Ralls Atoka, Indian Territory.

The attorneys who represented the applicants at the original hearings were Hudson & Arnold.

May 29, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes rendered October 15, 1902. Notice of such Departmental action was furnished the applicants and their attorneys under date of July 15, 1903.

Not only the applicants but attorneys J. S. Mullen, Ardmore, Indian Territory; Andrew M. Oliphant, Tishomingo, Indian Territory; and Winfield S. Farmer, Atoka, Indian Territory, have been advised fully as to the status of this case.

There does not appear from the records of this office to be any pending motion for ~~reopening~~ in this case now before the Department. Therefore the case is considered closed and it is not believed that the applicants therein are entitled to share in the allotment of lands of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

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38940-1906

--Copy--

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 21, 1906L.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of May 29, 1903 (I.T.D.4572) and September 1, 1906 (I.T.D. 10492), this Office has the honor to submit a report from the Commissioner to the Five Civilized Tribes dated April 28, 1906, transmitting the record relative to the application of Lizzie Henry for enrollment to citizenship by intermarriage in the Choctaw Nation.

On September 5, 1906, Lizzie Henry applied for enrollment as an intermarried citizen and at the same time testified that she had made a previous application for enrollment within the time limited by Section 34 of the Act of Congress of July 1, 1902 (32 Stat.L., 641.)

The records of the Commission to the Five Civilized Tribes show that the applicant applied to the Commission at Durant, I. T., for enrollment as a citizen by blood of the Choctaw Nation in August, 1899 and on October 9, 1901 she again appeared before the Commission at Muskogee, I. T., and applied for identification as a Mississippi Choctaw. On motion of the applicant these two applications were merged. The Commission refused both applications for enrollment to citizenship on October 15, 1902

and this decision was affirmed by the Department on May 29, 1903, (I.T.D. 4572). During the course of her examination the applicant testified that she was a married woman, having been married at Ada, to one Isaac Fulson.

The Commissioner decided, on January 20, 1906, that this was a sufficient application for admission to citizenship by intermarriage in the Choctaw Nation under the provisions of Section 34 of the Act of July 1, 1902 (32 Stat. L., 641).

This case again came before the Commissioner on the merits on April 28, 1906, and it was held that the applicant was not entitled to enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nations.

The record shows that the applicant was married on February 6, 1896, to Isaac Fulson, whom she claimed was a citizen by blood of the Choctaw Nation. It further appears from the records of the Commission that Isaac Fulson was a recognized citizen by blood of the Chickasaw Nation and was identified under the name of Isaac Fulsome at No. 1120 on a list prepared by the Commission under the provisions of the Act of Congress of July 1, 1902 (32 Stat. L., 641) of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Department on December 12, 1902. It further appears that the applicant and Isaac Fulson were residents in good faith of the Chickasaw Nation.

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The records of the Commission do not show that the applicant has ever been enrolled by the tribal authorities of either the Choctaw or Chickasaw Nations or admitted to Choctaw or Chickasaw citizenship by the tribal authorities of either nation, or by the Commission, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stat.L., 321), nor has the applicant ever been married to Isaac Folsom, through whom she claims her intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nations. Furthermore Isaac Folsom is not identified by the rolls of the Choctaw Nation.

As there seems to have been no tribal authority to sanction the marriage of the applicant, then in accordance with the opinion of the Assistant Attorney General for the Department of September 1, 1906 (I.T.D.10492) in the case of Emma Seigried, involving a similar state of facts, and in view of the provisions of the Act of Congress of June 28, 1898 (30 Stat.L., 495) the decision of the Commissioner excluding Lizzie Henry from enrollment to intermarried citizenship in both the Choctaw and Chickasaw Nations is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD

D.C.13368
I.T.D.23378-1906
L.R.S.
DIRECT.

J.P.
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office in letter of November 21, 1906 (Land 38940-06), copy inclosed, your decision adverse to the applicant in the matter of the application for enrollment of Lissie Henry as an intermarried citizen of the Choctaw Nation or the Chickasaw Nation, is approved.

The papers in the matter have been sent to the Indian Office with a copy hereof.

Respectfully,

Jesse H. Wilson,

Acting Secretary.

1 inc. and
2 for Ind. Of. with
copy hereof.

A.F.No.
3-6-07.

8
7-5980

Muskogee, Indian Territory, April 17, 1907.

Lizzie Henry,

Brock, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-5980

Muskogee, Indian Territory, April 17, 1907.

W. A. Gibson,

Attorney at Law,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for the enrollment of Lizzie Henry as a citizen by intermarriage of the Choctaw nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 17, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes, rendered April
28, 1906, denying the application for the enrollment of
Lizzie Henry as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

REFER TO N. C. R. 3711

Lizzie Henry, et al

Consolidated Case

Mathew M Laughlin, full

Sallie M Laughlin
or M. ~~Lausten~~, full
(Mock-a-ho)
married

Jim Holden, full

Thomas Holden, full
wife

Angeline Holden D

McR
374

Lizzie Holden Jr, 41

① John Moore 1/4 dec

② John C Henry, w

③ John C Henry, w

McR
287

Mary Moore 21, 3/8

① Bill Epps

② Joe Henry

* Claims as Lizzie's

McR

Myrtle E Epps, 6

Emma E. Epps, 4

Tommy J Henry 1 mo.

No. 3711

For Identification as a Mississippi Choctaw.

Date OCT -9 1901

Name Lizzie Henry

Age 41 Blood 1/2

Post Office, Ardmore, D. T.

Father: Thomas Holden, d

Mother: Angeline " — d

Claims through father
Hansbald
John C. Henry. - w.
No claim for husband.

~~Child~~

blame for self
alone -

Stenographer *G. Rossmore*

Muskogee 27
June 24 1902

Records of the Commission to the Five Civilized Tribes
One copy of the testimony of Lizzie Henry in the
matter of her application for identification as
Mississippi Choctaw MBR 3711

A. C. Rowery

For Identification as a Mississippi Choctaw

Name ^{Date} Lizzie Henry

Age Blood

Post-Office,

Father:

Mother:

Claims through

} Additional
testimony
of H. Vann.

Children:

Stenographer

W. H. Martin

Choctaw MCR 3712

Sylvester Ramdin

See MCR 4895

MCR 3712

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOCA, I.T. October 9, 1901.

3612

In the matter of the application of Sylvester Ramin for the identification of himself and six minor children as Mississippi Choctaws.

Applicant represented by J.E. Arnold.

Sylvester Ramin being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sylvester Ramin; (S-y-l-v-e-s-t-e-r R-a-m-i-n.)
- Q What is your age? A Forty seven.
- Q What is your post office address? A Bayou LaLute, Louisiana. Calde Parish.
- Q How long have you lived there? A Thirty years.
- Q Where were you born? A In Louisiana; DeSoto Parish.
- Q You have always lived in Louisiana then? A Yes always.
- Q What is your father's name? A Simon Ramin.
- Q Is he living? A Yes sir; oh, no sir he is dead.
- Q What is your mother's name? A Mary Athenise.
- Q Did she marry again? A No sir.
- Q Then her name was Ramin? A She was a Rebleau and married Ramin. Athenise was her maiden name.
- Q She is dead? A Yes sir.
- Q You claim through which parent? A Mother.
- Q How much Choctaw blood do you claim? A About one eighth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Elizabeth Ramin.
- Q Is she a white woman or Indian? A White woman.
- Q Have you any children under twenty one years of age and unmarried for whom you apply? A Yes.
- Q What is the name of the eldest? A Sydney Ramin. (S-y-d-n-e-y)
- Q How old is he? A Eighteen.
- Q What is the name of the next? A A girl, Mattie Ramin.
- Q How old is Mattie? A Sixteen.
- Q The next? A Thirteen, Samuel.
- Q Next? A The next is Pearl.
- Q A girl? A Yes sir.
- Q How old is Pearl? A Six.

- Q Next? A Birdie.
- Q A Girl? A Yes sir.
- Q How old? A Four.
- Q Next? A One and a half years; Zada.
- Q A girl? A Yes sir.
- Q Is that all? A That's all.
- Q Is your wife, Elizabeth the mother of these children? A No sir.
- Q She is the mother of what children? A Of Samuel and Sydney Ramdin.
- Q Who is the mother of Mattie? A Sallie Ramdin, my first wife.
- Q Who is the mother of these other children? A Well, there's--
- Q You say that your first wife is the mother of Samuel--
- A No sir, Sydney and Samuel is children of my last wife, Elizabeth.
- Q Sydney is whose child? A Elizabeth Ramdin's.
- Q And are you the father of that child? A No sir.
- Q Did she have any Choctaw blood? A No sir.
- Q Did her husband have? A Yes sir.
- Q Who was Sydney Ramdin, whose? A Elizabeth Ramdin's child.
- Q What was the father's name? A Joe Ramdin.
- Q Is that a brother or relative of yours? A Relative.
- Q What relative? A Why, he is second cousin.
- Q What was Sydney's mother's name? A Elizabeth Ramdin.
- Q That's your present wife? A Yes sir.
- Q Sydney you say is eighteen? A Yes sir.
- Q Is Joe Ramdin living? A No sir.
- Q Did he have any Choctaw blood? A Yes sir.
- Q About how much? A About an eighth.
- Q Did Elizabeth Ramdin have any Choctaw blood? A No sir.
- Q Then Sydney Ramdin is the son of your present wife by her first husband, Joe Ramdin, and Joe Ramdin had an eighth Choctaw blood and Sydney claims through his father and he claims a sixteenth, that is a half of an eighth? A Yes sir.
- Q Now has Joe Ramdin, Sydney's father, ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
- Q Give me the name of the next child whose parents are the same.
- A Samuel Ramdin.
- Q You claim a sixteenth Choctaw blood for him through his father, Joe Ramdin, who had an eighth? A Yes sir.
- Q And his mother was Elizabeth Ramdin? A Yes sir.
- Q Who is the mother of Mattie Ramdin? A That's my daughter.
- Q And the mother was who? A Sallie Ramdin, my wife.
- Q Sallie is dead, is she? A Yes sir.
- Q That's your first wife? A Yes sir.
- Q Did she have any Choctaw blood? A No sir.
- Q White woman was she? A Yes sir.
- Q Give me the name of the parents of Pearl Ramdin. A Her father was Sylvester Ramdin and mother was Sallie Ramdin.
- Q Sallie is dead? A Yes sir.
- Q Pearl claims through you? A Yes sir.
- Q You claim an eighth? A Yes sir.
- Q Now, who is the father of Birdie and Zada, yourself? A Yes sir.
- Q And the mother? A Elizabeth.
- Q You claim a sixteenth, do you for them? A Yes sir.
- Q Have you the marriage license or proof of marriage between Joe Ramdin and Elizabeth Ramdin, your second wife? A I haven't with me

Q You think you can produce them if given time? A Yes sir.

Q Also if you haven't proof of the marriage between yourself and your wife, Sallie, reasonable time will be allowed you for the introduction of that evidence of the marriage between Sylvester Rardin and Sallie Prudum; also marriage license and certificate or proof of the marriage of yourself and your second wife, Elizabeth; reasonable time will be allowed you for the introduction of that proof. You say you haven't any of these proofs here of these different marriages? A No sir.

Q When and where were you married to your wife Elizabeth? A In 1896.

Q What day of the month? A 15th day of November.

Q What place? A DeSoto Parish.

Q In Louisiana? A In Louisiana.

Q Were you married by a minister and under a license? A Yes sir.

Q Is your name or the name of any of these children for whom you make application today to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know sir.

Q Did you ever make application for citizenship in the Choctaw Nation for yourself or any of these children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Did you ever make application for citizenship for yourself and these children to any authority whatever? A No sir.

Q Have any of you been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory? A I don't know sir.

Q Have you ever made application before this time for yourself or children to be enrolled or any one for you to either the Choctaw tribal authorities or the United States authorities, for citizenship in the Choctaw Nation? A No sir.

Q You now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws under the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

Q Do you understand what a treaty is? A Yes sir.

In 1830 a treaty was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi September 27th of that year. This treaty was made for the purpose of the removal of all the Choctaw Indians who lived in Mississippi and Alabama in what was known as the old Choctaw nation to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory and for their protection and that their interests might not be affected article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so and by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and

a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know sir.

Q What was the name of your ancestor who was a Choctaw Indian and lived in Mississippi in 1830? A All I knew about it is Rebleaus.

Q You claim through which parent? A Mother; her name was Mary Rambin.

Q What was her maiden name? A Rebleau-Reble. Before she married.

Q How do you spell that? A I don't know. I can't tell just how you spell it; I am uneducated.

Q Did she live in Mississippi or Alabama? A I don't know sir.

Q Through which parent did she claim her Choctaw blood? A Through her father.

Q What was his name? A Peter Reble.

Q He claimed through which parent? A Mother.

Q What was her name? A Nan- ta-wa--(Showing paper.)

Q That's the Indian name of what ancestor of yours? A Of my great grandmother.

Q The English name of that great grandmother is what? A I don't know. I don't remember now.-- I-- Reble-- lets see-- my great grandfather was named Perite Reble.

Q That's Nan-ta-wa you mean? (J.E.Arnold says yes.)

Q Her son was named Peter? A (J.E.Arnold says yes for applicant.)

Q How much Choctaw blood did this woman have? A I don't know sir.

Q Do you know whether she was full blood or not? A I was told she was : I don't know.

Q You got that from family history, do you? A Yes sir.

Q Was Peter Reble a relative of yours? A Yes sir; grandfather; his father was Pierette- Perite.

Q Was this Pierette the husband of Nantawa? A Yes sir.

Q And their son was Peter Reble? A Yes sir.

Q And he was your grandfather? A Yes sir.

Q Was he your mother's father? A Yes sir.

Q And the father of m-- your mother's name is Mary Rambin? A Yes.

Q Her maiden name was Reble? A Yes sir.

Q Which ancestor of yours was it lived in Mississippi or Alabama in 1830, do you know? A My great grandmother, I guess.

Q Don't guess; do you know? A I don't know.

Q How old was your mother when she died? A I don't know.

Q Where did she die? A In Louisiana; De Soto Parish.

Q How long ago? A In '65.

Q You don't know how old she was at that time? A I can't tell you.

Q Was she middle age? A Yes; maybe thirty five years old.

Q If she died in '65 and was thirty five years old she would have been living in 1830, wouldn't she? A Yes sir.

- Q Don't you know whether she was living in Mississippi or Alabama in 1830? A No sir; she wasn't.
- Q Where was she living in -? A In De Soto, Louisiana.
- Q Didn't either her father or mother live in Mississippi? A No sir.
- Q Don't you know of any ancestor that lived in Mississippi? A No sir.
- Q Don't you know any of your ancestors, Choctaw Indians, who were recognized members of the Choctaw tribe of Indians in Mississippi and Alabama in 1830? A I don't know sir.
- Q Did any of them own any improvements on land in Mississippi or Alabama at that time or before or after that time? A No sir, I don't know.
- Q Did any of your ancestors, Choctaws, go from Mississippi or Alabama to the new Choctaw Nation Indian Territory between 1833 to 1836 with the other Indians? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Col. Ward, that they intended to stay in Mississippi, take land there and become citizens of the States? A I don't know sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.
- Q Did they ever receive any land or claim any or any other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q Have you had any kin folks that have appeared before this Commission before this date who all claim through the same common ancestor? Nam-ta-wa? A Yes sir.
- Q Name them. A R.G. Dupree; Lem Dupree; C.B. McCause; E.L. Grumbles, A.D. Perier; Brunettie Deaton; Ed Perier; J.O. Flores; M.E. Roach/ John Brahmier; Elias Develse (DeValse); Sam Lafitte (Lafiette). J.D. Lafitte; Leon Lafitte; Lafitte; Joe Olanten; Merce Flores Emma Allen; Clara Lagrand.
- Q You know this list of names? A Yes sir.
- Q And these names which you have given in and which have been put in as a list of your relatives and kin people who have made application before the Commission and who all claim through the same ancestor, Nam-ta-wa? A Yes sir.
- Q Do you want their testimony considered with yours when yours is taken up for consideration in order that you may get the benefit of what they have testified to? A Yes sir.
- Q You say that Sydney Ramdin and Samuel Ramdin are the children of your second cousin and your second wife, Elizabeth? A Yes sir.
- Q Do they claim through the same ancestor through whom you claim? A Yes sir.
- Q And the testimony you give as to your Choctaw blood is the same as will be given for them? A Yes sir.
- Q And all the questions that are put to you in reference to your Choctaw ancestors through whom you claim will be the same as given for them and the answers will be the same? A Yes sir.
- Q All these other children you have given, Mattie, Pearl, Birdie and Zada claim through you? A Yes sir.
- Q You are the father of them? A Yes sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent who lived in Mississ-

ippi at that time, Col. Ward, was instructed to make a list of the names of all Choctaw Indians who came before him within the six months after the ratification of the treaty of 1830 claiming benefits under article fourteen and who announced to him their intention to stay in Mississippi and take land there. And this agent failed to record the names of all the Indians who came before him. Ward's Register shows the names of but a few of the many who came before him and claimed benefits under the fourteenth article. As a result of this neglect of Col. Ward a great many Indians who had land and improvements on it in Mississippi had them taken away from them by the Government. This caused a great many complaints among the Indians so that in 1837 a Commission was appointed approved by Act of Congress of March 3, 1837, and this Commission went to Mississippi and heard claimants under the fourteenth article and put on lists those that proved their claims. In 1842 another Commission was appointed by Act of Congress approved August 23, 1842, and this Commission made lists of the successful claimants under article fourteen.

Q Did any of your ancestors appear before either of these Commissions claiming benefits under article fourteen of the treaty of 1830? A No.

Q Do you know anything about that? A No sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the treaty of Dancing Rabbit Creek, and if it appeared that his land had been sold by the Government that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and certificates issued to that effect.

Q Did any of your Choctaw ancestors receive any such certificates which were called scrip from the government as Choctaw Indians?

A No sir.

Q Have you any documentary evidence you would like to introduce now in support of your claim? Or proof of the marriage of your father and mother or of your marriage to either your first wife, Sallie, or your last wife, Elizabeth, or proof of the marriage between Joe Randin and Elizabeth Randin; have you any such evidence with you?

A No sir; I haven't.

Q Would you like time to introduce it? A Yes sir.

Reasonable time is allowed this applicant in which to file documentary evidence in support of his claim; also testimony of witnesses if he desires to offer any; also proof of marriage of these three marriages.

Q Can you speak Choctaw? A No sir.

Q Is there anything more you want to say in support of this claim?

A No sir.

To J.E. Arnold:

Q Any questions you want to ask, Mr. Arnold? A No sir.

This defendant has the appearance and physical characteristics of being descended from white ancestors. He is of medium height, dark eyes, dark hair; he has no knowledge of the Cheyenne language and no knowledge of the Comanche on the part of his appearance with any of the provisions of the Fourteenth Article of the Constitution of 1860.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported a full and correct transcript of the above entitled cause on October 9, 1901, and that the above was forwarded to a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 5 day of November, 1901.

Clara Mitchell Wood
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE I.T. NOVEMBER 1, 1901.

In the matter of the application of Sylvester Rambin et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. October 9, 1901. M.C.R. 3712

TESTIMONY OF BELLA RAMBIN

Bella Rambin being duly sworn as a witness in this case testified as follows:

Examination by the Commission:

- Q What is your name? A Della Rambin.
Q You are how old? A Seventeen.
Q Where do you live? A Bayou La Lache, Louisiana.
Q Have you made application for identification before the Commission as a Mississippi Choctaw today, November 1st? A Yes sir.
Q Are you acquainted with Sylvester Rambin? A Yes sir.
Q What relation is he to you? A Step-father.
Q Did he make application for identification as a Mississippi Choctaw before the Commission some time ago? A Yes sir.

(The records show that Sylvester Rambin- Card N. 3712- made application for identification as a Mississippi Choctaw October 9, 1901.)

- Q When your father made application for identification as a Mississippi Choctaw at Atoka, I.T., his name was spelled Sylvester Ra-m-d-i-n; is that right? A No sir.
Q That's a mistake is it? A Yes sir.
Q His name should be spelled-? A R-a-m-b-i-n.
Q Then you wish to make this correction so that his name should go on the records as Rambin? A Yes sir.

(Witness excused.)

Henry G. Hains being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the above and that the same is a full true and correct transcript of his stenographic notes in said above cause.

Henry G. Hains

Subscribed and sworn to before me this 21st day of November, 1901.

Clara Mitchell Wood

Notary Public.

Muskogee, Indian Territory, October 30, 1901.

J. E. Arnold,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 29, inclosing marriage certificate between Sylvester Rabin and Eliza Rabin, which you ask to have filed in support of the application for identification as Mississippi Choctaws of Sylvester Rabin and his minor children. You are advised that the same has been filed with the records in the application of Sylvester Rabin et al. for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

MC 3712

Muskogee, Indian Territory, September 2, 1902.

Sylvester Rabin,

Bayou La Lache, Louisiana.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rosalia Wallette, et al., embracing the following applications for identification as Mississippi Choctaws:

Rosalia Wallette,	M C R 4892
Elia Laurent, et al.,	" 4896
Angela Laurent,	" 4898
Olivia Wallette, et al.,	" 4899
John D. Wallette, et al.,	" 4478
Louis L. Wallette, et al.,	" 4329
Joe Clement, et al.,	" 3101
Mere Flores, et al.,	" 3467
Mary E. Beach, et al.,	" 3096
John Bramble, et al.,	" 2887
Joseph G. Flores, et al.,	" 2888
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubon, et al.,	" 3103
Minnie Hesser,	" 3949
James Flores, et al.,	" 3714
Sylvester Rabin, et al.,	" 3712
Joseph L. Rabin, et al.,	" 3831
Della Rabin, et al.,	" 3931
Carrie L. Rabin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Benny Rabin, et al.,	" 3952
Edmund Porter, et al.,	" 2239
Sterling Porter,	" 2244

Elumetta Denton, et al.,	M C R 2398
Bob Dupre, et al.,	" 2241
Len Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCause, et al.,	" 2242

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eight hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Roselia Wallette, Zelia Laurent, Jones Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Olevia Wallette, Parmest Wallette, Edwin Wallette, Lee Wallette, Eva Wallette, John B. Wallette, Gertrude Wallette, Eugenia Wallette, John Steven Wallette, Louis L. Wallette, Lambert Wallette, Joe Clanton, Dan Clanton, Mero Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Sloan Flores, Van Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubas, Joe Dubas, John Dubas, Napoleon Dubas, Minnie Hesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Rabin, Sydney Rabin, Samuel Rabin, Mattie Rabin, Pearl Rabin, Birdie Rabin, Zada Rabin, Joseph L. Rabin, Mary Z. Rabin, Della Rabin, Joseph Arnold Rabin, Carrie L. Rabin, Myrtle L. Rabin, Lawrence L. Rabin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph V. Legrand, George M. Legrand, Emma Lucy Legrand,

8 --3.

John A. Legrand, Mary Celeste Legrand, Boney Hambin, Joseph O. Hambin, Arthur Hambin, Lula Hambin, Joseph McC. Hambin, Johnnie Hambin, Edmund Porier, Winnie Porier, Annie Bell Porier, Sterling Porier, Alunetta Deaton, Eddie Lee Deaton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie B. Dupre, Lula Duore, Clipper Dupre, Beatrice Dupre, Len Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Edie McCause, Mabel McCause, Pearl McCause and Birdie McCause, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamc Dixby.

Acting Chairman.

Registered

M.C.R. 3718

COPY.

Muskogee, Indian Territory, February 25, 1903.

Sylvester Hamdin,

Bayou Laechute, Louisiana.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Roselia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

Tatne Dixby.
Chairman.

M.C.R. 3712.

COPY

Muskogee, Indian Territory, November 12, 1906.

Sylvester Ramdin,

Bayou Laohute, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rexelia Wallette, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

MCR-3712

Muskogee, Indian Territory, March 2, 1907.

Sylvester Ramlin,

Bayou Lachute, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Wallette et al.

Respectfully,

Commissioner.

No. 3712

For Identification as a Mississippi Choctaw.

Date OCT - 6 1901

Name Sylvestre Ramdin

Age 47

Blood 1/8

Post Office, Bayou La Pate, La

Father: Simon Ramdin, d

Mother: Mary " d

Claims through mother
~~husband~~
wife Elizabeth — w. +

Children: Sydney Ramdin, 18
Matthie " 16
Samuel " 13
Pearl (girl) " 6
Birdie " " 4
Zada " " 1 1/2

Claims for area &
children

Stenographer H. M. Haine.

~~W. M. Haine~~

Sydney Ramdin, 18
father, Joe Ramdin, 75d
mother, Elizabeth " —

Samuel Ramdin 1/16, 13
(Same father and mother
as Sydney)

Mattie Ramdin 16
father, Sylvester Ramdin, 1/8
mother, Sallie " (d) w.

Pearl Ramdin, 6
father, Sylvester — 1/8
mother Sallie — (d) w.

Bessie Ramdin 1/16-4
Zada " 1/16-1 1/2

father, Sylvester "
mother Elizabeth "

Choctaw MCR 3713

Clara Legrand

See MCR 4895

MCR 3713

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.-T. October 9, 1901.

3713

In the matter of the application of Clara Legrand for the identification of herself and her nine minor children as Mississippi Choctaws.

Applicant represented by J.E. Arnold.

Clara Legrand being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Clara Legrand.
Q Is Legrand all one name? A Yes sir.
Q What is your age? A Forty.
Q What is your post office address? A Bayou Lachute, Louisiana.
Q How long have you lived at Bayou Lachute? A I was partly raised there.
Q Where else were you raised? A In Louisiana.
Q Have you always lived in Louisiana? A Yes sir.
Q Where were you born? A In Louisiana.
Q What place? A I can't call it.
Q Did you ever live anywhere else except in Louisiana? A Just the same places my brother said.
Q What is your father's name? A Simon Hamlin.
Q Is he living or dead? A He is dead.
Q What is your mother's name? A Mary Artemise.
Q Well, Mary Hamlin, isn't it? A Yes sir.
Q Is she living? A No sir; she is dead.
Q Through which parent do you claim? Choctaw blood? A My mother.
Q How much do you claim? A I see- you can see in my brothers.
I don't know.
Q You will have to testify yourself. Your brother, Sylvester Hamlin, who appeared today claimed an eighth; how much do you claim?
A Just the same.
Q Do you know that is right? A I guess so.
Q You don't know? A No sir.
Q But you think an eighth? A Yes sir.
Q You don't know for sure? A I guess so.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.

Q Are you married? A Yes sir.
 Q What is your husband's name? A P.A. Legrand.
 Q Is he white, red or mixed? A He is white; he is here.
 Q He is not an Indian, then? A No sir; he is an Indian. He is a Frenchman.
 Q Do you claim for him? A No sir.
 Q Have you any children under twenty one years of age and unmarried for whom you wish to apply? A Yes sir. There is one married.
 Q Are these on this paper here, your children for whom you wish to apply? A Yes sir.
 Q How old is A.G. Legrand? A He is twenty.
 Q What does that "A" stand for; what name? (No answer.)
 Q What do you call him? A Andrew Augustin.
 Q Andrew G. Legrand? A Yes sir.
 Q This Julia is married? A Yes sir.
 Q What does J.N. Legrand stand for? Do you call him--Jimmie?
 A Paul.
 Q No; J. don't stand for Paul; don't you know what his name is?
 A No sir, I can't write.
 Q He was born March, 1898; what is his name? A I am not--
 Q I will put it down J.N.; how old is J.N.? A He is sixteen--
 Joseph Napoleon it is; I am excited now, I forget.
 Q How the next is Mary E., is it? A Yes sir.
 Q How old is Mary E. Legrand? A ---
 Q Fourteen years old? A Yes sir.
 Q Who is J. W. Legrand? A Joseph Legrand; Joseph W. Legrand.
 Q You have two Josephs in your family? A Yes sir.
 Q And he is how old? A Eleven; is that right? A Yes sir.
 Q What is G.M. Legrand's name? A George M. Legrand.
 Q And he is nine; is that right? A Yes sir.
 Q And the next is what name? A Emma Lucy.
 Q How old is Emma Lucy; six,-- is that right? A Yes sir.
 Q John A. Legrand; who is that? A John A. Legrand is the one down on that paper as J.A. Legrand.
 Q How old is John? A He is three years old.
 Q Mary what? A Mary Celeste.
 Q How old is Mary C.? A Thirteen months old.
 Q Is that all? A Yes they are all there--(pointing to paper.)
 Q Is P.A. Legrand the father of these children? A Yes sir.
 Q And you are the mother? A Yes sir.
 Q Are these children all living with you at your home? A Yes sir.
 Q All supported by your husband? A Yes sir.
 Q When and where were you married to your husband, C.A. Legrand?
 A On Prairie River.
 Q Louisiana? A Yes sir.
 Q When were you married to him? A (Applicant refers to paper and delightedly points to the date; 16th day of January, 1879.)
 Q By a minister and under a license? A Yes sir.
 Q Is your name or the name of any of your children on any of the tribal rolls of the Chectaw Nation in the Indian Territory? A I don't know sir.
 Q Have you ever made application for the enrollment as Mississippi Chectaws of yourself and children to the Chectaw tribal authorities?
 A No sir.
 Q Have you ever made application for citizenship in the Chectaw Nation for yourself and children to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory?
A No sir.

Q Have you ever before this time made application to either the Choctaw tribal authorities or the United States authorities for citizenship for yourself and children in the Choctaw Nation?
A No sir.

Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw, yourself and children, under article fourteen of the treaty of 1830? A Yes sir.

Q Do you claim under that article of that treaty? A Yes sir.

Q You understand that article of that treaty? A Yes sir.

Q No, I don't think you do. A No sir.

Q Do you know what an article is? A (No answer.)

Q Do you know what a treaty is? (Applicant mumbles something in a very unintelligible French-English.)

Q I don't believe you do. A treaty is an agreement between Nations in writing. A treaty was made between the United States and the Choctaw Indians who lived in Mississippi and Alabama at that time, in what was called the old Choctaw Nation in Mississippi and Alabama. That treaty was made at that time for the purpose of getting all the Choctaw Indians to come from the old Choctaw Nation to the new Choctaw Nation in the Indian Territory. But they wouldn't all come; some would rather stay back there in Mississippi and Louisiana- Alabama, I should say-- and in order to protect their interests article fourteen was put into the treaty. Now, an article in a treaty is a part of the treaty- a subdivision of it: article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen of the treaty of 1830. That was put in there to protect the interests of Mississippi Choctaws. Are you a Mississippi Choctaw? (No answer.)

Q Do you claim under this article? A Yes sir.

Q Do you understand it? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? That I have just read to you? Do you know? A I don't know.

Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A No sir.

Q Whom do you claim through? A My mother.

- Q What is her maiden name? A Mary Roblo.
- Q She claimed through which parent, father or mother? A I don't know, sir.
- Q Don't you know whom she claimed through? A No sir.
- Q All you knew is you claim through your mother, Mary Roblo?
- A Yes sir.
- Q How much Choctaw blood did she have? A I don't know sir.
- Q Did she live in Mississippi? A I don't know that.
- Q How old was she when she died? A I can't tell you.
- Q Where did she die? A In Louisiana.
- Q What place in Louisiana? A I can't tell you.
- Q When did she die? A She died the first year of the surrender.
- Q You don't know her age when she died? A No sir; I was too young.
- Q Haven't you any family history of her death; any record of it in the Bible or anything of that sort? A No sir.
- Q Do you know whether any of your kin people- your ancestors- lived in Mississippi? A No sir.
- Q Your brother appeared before the Commission on this date, October 9, and has testified that he is descended from Nan-ta-wa the Indian name of his ancestor; do you know anything about that person? Are you descended from that person? A Yes; that's some person that I do.
- Q How do you know that you are descended from a person whose Indian name was Nan-ta-wa? A Because I have been told so.
- Q In your family? A Yes sir.
- Q Did your mother tell you so? A My people that raised me.
- Q They told you so? A Yes sir.
- Q What relation was Nan-ta-wa to you? A I can't tell you; I was too young to say.
- Q Did not any one tell you what relation she was? A No sir.
- Q Did she live in Mississippi? A No sir; I guess not; I don't know, I was too young.
- Q Do you know what her son's name was? A No sir.
- Q Do you know whether it was Peter Roblo? A Yes sir; I heard of one.
- Q Do you remember Peter Roblo's name? I am talking about Nan-ta-wa's son? A No sir, I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know.
- Q Or before that time? A I don't know.
- Q Did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Col. Ward, that they intended to stay in Mississippi and take land there? A No sir, I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.
- Q Have any of your kin people appeared before the Commission previous to this date in order to be identified as Mississippi Choctaws? A Yes, you have got some of my people.

Q Do you know the names of them? A Yes sir.

Q Are these the names on this list? A Yes.

Q R.G.Dupree; Lem Dupree; C.B.McCause; E.L.Grumbles; A.D.Porier; Brunettie Deaton; Ed Porier; J.O.Flores; M.E.Roach; John Brasher; Elias Develse (DeValse); Sam Lafitte (Lafiette). J.D.Lafitte; Leon Lafitte; _____ Lafitte; Joe Clanton; Meroc Flores; Emma Allen; Clara-Lagrand; Sylvester Ramdin. A Yes sir.

Q These names you have given--all claim through Nan-ta-wa, your common ancestor? A Yes sir.

Q You want their testimony to be considered with yours when yours is considered in order that you may get the benefit of their testimony? A Yes sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek Col /Ward was instructed by the United States Government to make a list of the names of all Choctaw claimants who went to him within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there? He failed to make out a full and complete list, leaving off the names of a large proportion of the claimants who did appear before him pursuant to the provisions of article fourteen of that treaty. This neglect on his part led to an injustice being done the Indians, for the lands they were living on there in Mississippi were taken from them together with the improvements which a great many had; this led to many complaint on the part of the Indians so that in 1837 Congress appointed a Commission by Act approved March 3 of that year and this Commission went to Mississippi and heard claimants under article fourteen of that treaty and put their names upon lists of claimants whose claims had been approved. In 1842 another Commission was appointed by Act approved August 23, 1842, and they also made lists of successful claimants under article fourteen.

Q Did any of your ancestors appear before either the Commission of 1837 or the Commission of 1842 and claim benefits or rights under article fourteen of the treaty? A I don't know sir.

The Act of Congress approved August 23, 1842, provided that in case a claimant before it proved his right or claim under article fourteen; if it also appeared that his land had been taken from him previously, that he should be entitled to select land either in Louisiana, Mississippi, Alabama or Arkansas, and that he should receive a certificate to that effect. These certificates were called scrip.

Q Do you know whether any of your ancestors received any such scrip from the Government of the United States? A No sir; I don't know

Q Have you any documentary evidence you want to file now in support of your application? A No sir.

Q Have you any proof of the marriage of your father and mother that you want to present to the Commission now? A No sir.

Q Do you think you could produce that later? A Yes sir.

Q Do you want time? A Yes sir.

8

Reasonable time is allowed this applicant in which to file documentary evidence in support of this claim and any other evidence she may desire of a proper nature; also marriage of her father and mother.

Q Can you speak Choctaw? A No sir.

Q Can you understand it? A Yes sir.

Q Is there nothing further you want to say? A No sir.

To J.W. Arnold: Q Any questions you want to ask? A No.

Applicant has the appearance and physical characteristics of being descended from white parentage, with the exception she has dark eyes and hair and dark complexion; she has no knowledge of the Choctaw language; she has the appearance of being a French woman—may have Choctaw blood. She has no knowledge of the compliance of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 5 day of November, 1901

Clara Mitchell Wood.
Notary Public.

OPY.

Waukegoe, Indian Territory, September 2, 1902.

Clara Legrand,
Bayou Laoute, Louisiana.

Dear Madam:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Roselia Wallette, et al., embracing the following applications for identification as Mississippi Choctaws:

Roselia Wallette,	N C R 4895
Relia Laurent, et al.,	" 4896
Angele Laurent,	" 4898
Olevia Wallette, et al.,	" 4897
John B. Wallette, et al.,	" 4478
Louis L. Wallette, et al.,	" 4329
Joe Clinton, et al.,	" 3101
More Flores, et al.,	" 3467
Mary T. Roach, et al.,	" 3098
John Brashier, et al.,	" 2887
Joseph O. Flores, et al.,	" 2886
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubas, et al.,	" 3103
Minnie Hecker,	" 3349
James Flores, et al.,	" 3714
Sylvester Rabin, et al.,	" 3712
Joseph L. Rabin, et al.,	" 3951
Della Rabin, et al.,	" 3932
Carrie L. Rabin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Honey Rabin, et al.,	" 3952
Edmund Perier, et al.,	" 3230
Sterling Perier,	" 3244

Elizabetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Lem Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCause, et al.,	" 2242

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Roxelia Wallette, Zelia Laurent, Jonce Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angela Laurent, Olevia Wallette, Earnest Wallette, Edwin Wallette, Lee Wallette, Eva Wallette, John B. Wallette, Gertrude Wallette, Eugenia Wallette, John Steven Wallette, Louis L. Wallette, Lambert Wallette, Joe Clanton, Dan Clanton, Mera Flores, Angela Flores, Mary E. Roach, Robert Roach, Willia Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Slean Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubas, Joe Dubas, John Dupaz, Napoleon Dubas, Minnie Reaser, James Flores, William Flores, Walter Flores, Levinia Flores, May Flores, Sylvester Ramin, Sydney Ramin, Samuel Ramin, Mattie Ramin, Pearl Ramin, Birdie Ramin, Zada Ramin, Joseph L. Ramin, Mary Z. Ramin, Della Ramin, Joseph Arnold Ramin, Carrie L. Ramin, Myrtle L. Ramin, Lawrence L. Ramin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph W. Legrand, George M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Ramin, Joseph O. Ramin, Arthur Ramin, Lula Ramin, Joseph McQ. Ramin, Johnnie

C L -3.

Rambla, Edmund Perier, Winnie Perier, Annie Bell Perier, Sterling Perier, Blunetta Denton, Eddie Lee Denton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie B. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Rags Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Winnie B. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause and Birdie McCause, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

Tamm Dwyer

Acting Chairman.

Registered.

M.C.R. 3713

COPY.

Muskogee, Indian Territory, February 23, 1903.

Clara Legrand,

~~Bayou La Pate, Louisiana.~~

Dear Madam:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Roxelia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

Tame Dixby.
Chairman.

M.C.R. 3713.

COPY

Muskogee, Indian Territory, November 12, 1906.

Clara Legrand,

Bayou LaChute, Louisiana.

Dear Madam:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Wallette, et al.

Respectfully,

SIGNED

Wams R.
Commissioner.

MOB-3713

McKees, Indian Territory, March 2, 1907.

Clara Legrand,

Bayou La Lache, Louisiana.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Paula Valley, Indian Territory, for a reconsideration of Departmental action of October 20, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rosalia Vallette et al.

Respectfully,

Commissioner.

No. 3713

For Identification as a Mississippi Choctaw.

Date OCT - 9 1901

Name Clara Legrand

Age 40 Blood 1/8

Post Office, Bayou Lachute, La.

Father, Simon Rardin, d.

Mother, Mary " d.

Claims through mother
husband

P. A. Legrand, w.

No claim for husband

Children:

Andrew G. Legrand	20
Joseph N. Legrand	16
Mary E. " "	14
Joseph W. " "	11
George M. " "	9
Emma D. " "	6
John A. " "	3
Mary C. " "	13 m.

Claims for self &
Children -

Stenographer W. G. Harris

Choctaw MCR 3714

James Flores

See MCR 4895

MCR 3714

1954

J. R. Arnold Attorney

Domination by the Communists

[illegible]

Q How old is Walter? A Thirteen.
 Q Next? A Lavinia Flores.
 Q L-a-v-i-n-i-a? A Yes sir.
 Q How old is she? A Eleven.
 Q Next? A May Flores.
 Q M-a-y? A Yes sir.
 Q How old? A Six years old.
 Q You have a married child have you? A Yes sir.
 Q What is her married name? A Minnie Hesser.
 Q Where does she live? A Right where I do.
 Q At Heward, Louisiana? A Yes sir.
 Q How old is she? A Fifteen, going on sixteen.
 Q Is your husband, Philip Flores the father of these children?
 A Yes sir.
 Q You are the mother? A Yes sir.
 Q He claimed the Choctaw blood? A Yes sir.
 Q And the children claim through their father? A Yes sir.
 Q How much Choctaw blood do you claim for these children?
 A Well, I don't know exactly.
 Q You don't know? A No sir.
 Q Has your husband, Philip Flores ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
 Q You claim for these children? A Yes sir.
 Q When and where were you married to Philip Flores? A On the 9th day of May, 1881.
 Q By a minister? A No sir, by a magistrate.
 Q Under a license? A Yes sir.
 Q When did he die? A Six years ago.
 Q What day of the month? A 27th day of December.
 Q Where? A Red River Parish.
 Q In Louisiana? A Yes sir.
 Q How old was he when he died, do you know? A I don't know exactly; I have an idea he was forty one years old at least.
 Q Through whom did he claim his Choctaw blood, his father or mother? A Through his-- now, you are too hard for me; I don't know that part; he claimed it on the kin that these people these other people claimed it.
 Q Do you know what his father's name was? A Wade Flores.
 Q W-a-d-e? A Yes sir.
 Q What was Wade Flores' wife's name? That is Philip's mother?
 A Silla Flores.
 Q She had the Choctaw blood did she? A The Choctaw blood came through their father.
 Q Philip Flores? A Yes sir.
 Q But his mother's name was--? A Silla.
 Q When did he get his Choctaw blood from? A His father.
 Q Do you remember his father's name? A Wade Flores.
 Q He had Choctaw blood? A Yes sir.
 Q He claimed through which parent, father or mother? A I don't know sir.
 Q You can't go back any farther? A No sir, for I don't know.
 Q Do you know when Wade Flores died? A No sir.
 Q Do you know where he died? A No sir.
 Q Or how old he was when he died? A No sir.
 Q Do you know if any ancestors of your children ever lived in Mississippi? A No sir.

Q Ever hear that any of them did? A No sir, I didn't.

Q Are the names of any of the children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you ever make application or any one for them for citizenship in the Choctaw Nation to the Choctaw tribal authorities?

A No sir.

Q Did you or any one for them ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No sir.

Q Have they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by United States Court in Indian Territory? A No sir.

Q Is this the first application of any kind that has ever been made for these children for identification as Mississippi Choctaws or for their admission as members of the Choctaw tribe of Indians by either the Dawes Commission or the Choctaw tribal authorities?

A Yes sir.

Q Do you now come before the Commission for the purpose of getting these children identified as Mississippi Choctaws under article fourteen of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article fourteen of that treaty? A No sir.

Q You want to have that explained to you? A Yes sir.

Q I will explain it so clearly that you will understand it. Article fourteen of the treaty of 1830 was put into the treaty to protect the interests of these Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified. An article in a treaty is one of the parts of it; a subdivision; and the articles in a treaty are numbered from one up to as many as there are articles in a treaty- that's why this particular article is called article fourteen, that's its number. A treaty is a compact between two or more Nations- the difference between it and a contract is that it is made between Nations instead of individuals. The object of that treaty (made at a place called Dancing Rabbit Creek) was the removal of all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians wouldn't go to the Indian Territory and to protect their interests and preserve their rights article fourteen was put into the treaty. It reads as follows, that is, article fourteen of the treaty of 1830, under which you are making claim for these children: "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand it? A Yes sir.

Q Did any of these childrens' ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty as read to you? A No sir.

Q As I understand you, you are not able to give the names of any of these ancestors of these children except the father, your husband, Philip Flores and his father, Wade Flores? A Yes sir.

Q You can't give any names farther back than that, your grandfather- that is of your children- or grandmother, great grandfather or mother-? A No sir.

Q You think, if given time, you could introduce testimony showing the Choctaw ancestors of these children? A Probably; I don't know.

Q Don't you think, if allowed time you could show that? A Yes.

Q Have any kin or relatives of these children of yours appeared before this Commission at any time or place previous to this date and made application for identification as Mississippi Choctaws who claim through the same common ancestor as these children?

A Yes sir; Mr. J. O. Flores has.

Q He claims through what common ancestor, do you know? A No sir, I don't know.

Q You see this list? A Yes sir.

Q You heard it read? A Yes sir.

Q R. G. Dupree; Lem Dupree; C. B. McCause; E. L. Grumbles; A. S. Porier; Brunettie Deaton; Ed Porier; J. O. Flores; M. E. Reach; John Brashier; Elias Devalse (or DeFalse); Sam Lafitte (or Lagiette) J. D. Lafitte; Leon Lafitte; Lafitte; Joe Clanton; Meroe Flores; Clara Lagrand; Sylvester Ramdin.

Q Are these people all kin of these children of yours? A Yes sir.

Q They made application previously for identification as Mississippi Choctaws and claimed through the same common ancestor, Nantawa? A Yes sir.

Q Is that a common ancestor- the same ancestor through whom you claim in behalf of these children? A Yes sir.

Q Do you want their testimony made a part of the records in the examination made by you for these children, so that they can get the benefit of their testimony? A Yes sir.

Q Did any of the Choctaw ancestors of these children own any improvements on land in Mississippi in 1830? A I don't know.

Q Did any of their Choctaw ancestors go from Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between 1833 to 1838 with the other Indians? A I don't know sir.

Q Did any of the Choctaw ancestors of these children within six months after the ratification of the treaty of Dancing Rabbit Creek tell the United States Indian agent who lived in Mississippi at that time that they intended to stay in Mississippi, take land there and become citizens of the States? A I don't know sir.

Q Did any of the Choctaw ancestors of these children ever claim any land in Mississippi or receive any land under article fourteen of the treaty of 1830 as Choctaw Indians? A No sir. They never received any lands.

Q Did they ever claim or receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know sir.

In accordance with the provisions of article fourteen of the

treaty of Dancing Rabbit Creek the United States Indian agent in Mississippi was instructed to make a list of all the names of Choctaw Indians who appeared before him within six months after the ratification of that treaty and told him that they wanted to stay in Mississippi and take land there. He neglected to put on his list the names of a great many Choctaw Indians who did appear before him pursuant to the provisions of article fourteen of that treaty. This neglect on his part caused a great many complaints among the Choctaw Indians, who had their lands taken from them by the Government and sold. As a result of these complaints Congress in 1837 appointed a Commission which went to Mississippi and made lists of Choctaws who claimed rights under article fourteen and proved their claims. In 1842 another Commission was appointed by Congress and they made lists of the successful claimants.

Q Did any of these childrens' ancestors ever appear before either of these Commissions and claim rights under article fourteen of that treaty? A No sir; I don't know sir.

The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, that he should be entitled to select land elsewhere in Mississippi, Louisiana, Alabama and Arkansas, to be taken from vacant Government land; that he should receive a certificate to that effect. These certificates were called scrip.

Q Did any of the Choctaw ancestors of these children receive any such scrip from the Government? A I don't know sir.

Q Have you any documentary evidence you would like to introduce now in support of the claim for these children? A No sir.

Q Would you like time? A Yes sir.

Reasonable time will be allowed this applicant in which to file any documentary evidence in support of the application which she makes for her minor children who claim through their father, Philip Flores; also marriage license.

Q Could your husband speak Choctaw? A No sir.

Q Didn't he use to speak it? A No sir.

Q Do these children speak it? A No sir.

Q Is there anything further you want to say in support of this claim? A No sir/

To J.E. Arnold: Q Anything you want to ask? A No sir.

Marriage certificate between Philip Flores and E.F. Jones, who is the mother of these children, now Emma Allen, dated May 9, 1891, presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

EXHIBIT A
108130

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Department of the Interior, Bureau of Land Management, at Washington, D. C., and that the same is a true and correct copy of the original as the same appears in the records of the Department of the Interior, Bureau of Land Management, at Washington, D. C., and that the same is a true and correct copy of the original as the same appears in the records of the Department of the Interior, Bureau of Land Management, at Washington, D. C.

Henry G. Harris

Subscribed and sworn to before me this 5 day of November, 1901.

Chas. Mitchell West
Notary Public

PAPIER CO. HOLLY

COPY.

Waskogen, Indian Territory, September 2, 1908.

James Flores,

Neward, Louisiana.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rosalia Wallette, et al., embracing the following applications for identification as Mississippi Choctaws:

Rosalia Wallette,	M C R 4898
Rosie Laurent, et al.,	" 4898
Angele Laurent,	" 4898
Olevia Wallette, et al.,	" 4897
John B. Wallette, et al.,	" 4478
Louis E. Wallette, et al.,	" 4329
Joe Clanton, et al.,	" 3101
Mare Flores, et al.,	" 3447
Mary E. Beach, et al.,	" 3098
John Brachier, et al.,	" 2887
Joseph G. Flores, et al.,	" 2886
Joe D. Laffitte,	" 3100
Leah Laffitte,	" 3100
Euphemia Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Duban, et al.,	" 3203
Minnie Houser,	" 3949
James Flores, et al.,	" 3714
Sylvester Hamlin, et al.,	" 3718
Joseph E. Hamlin, et al.,	" 3981
Della Hamlin, et al.,	" 3921
Carrie E. Hamlin, et al.,	" 3908
Clara Legend, et al.,	" 3718
Bessie Hamlin, et al.,	" 3958
Edward Perier, et al.,	" 2259
Sherling Perier,	" 2244

J. K.

Blunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Len Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCause, et al.,	" 2242

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rozelia Waillette, Zelia Laurent, Jonce Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Olevia Waillette, Earnest Waillette, Edwin Waillette, Leo Waillette, Eva Waillette, John B. Waillette, Gertrude Waillette, Eugenia Waillette, John Steven Waillette, Louis L. Waillette, Lambert Waillette, Joe Clanton, Dan Clanton, Mero Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Slean Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubas, Joe Dubas, John Dubas, Napoleon Dubas, Minnie Hesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Rambin, Sydney Rambin, Sander Rambin, Mattie Rambin, Pearl Rambin, Birdie Rambin, Zada Rambin, Joseph L. Rambin, Mary E. Rambin, Della Rambin, Joseph Arnold Rambin, Carrie L. Rambin, Myrtle L. Rambin, Lawrence L. Rambin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph V. Legrand, George M. Legrand, Emma Lucy Legrand,

J P-3.

John A. Legrand, Mary Colgate Legrand, Boney Rambin, Joseph O. Rambin, Arthur Rambin, Lula Rambin, Joseph McQ. Rambin, Johnnie Rambin, Edmund Perier, Winnie Perier, Annie Ball Perier, Sterling Perier, Blunetta Deaton, Eddie Lee Deaton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause and Birdie McCause, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamc Ditty
Acting Chairman,

Registered.

COPY.

James Flores,

Newark, Louisiana.

Dear Sir:

You are hereby notified that on the 11th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Ghosts of the several persons included in the consolidated case of Rexelia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

James Bixby.
Chairman.

M.C.R. 3714.

COPY

Muskogee, Indian Territory, November 12, 1906.

Emma Allen,

Howard, Louisiana.

Dear Madam:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Waillette, et al.

Respectfully,

SIGNED

Commissioner.

MCR-3714.

Muskogee, Indian Territory, March 2, 1907.

Emma Allen,
Howard, Louisiana.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Wallette et al.

Respectfully,

Commissioner.

No. 3714

For Identification as a Mississippi Choctaw.

Date

OCT - 9 1901

Name Emma Allen for
her children -

Age 42

Blood

WHITE

Post Office,

Howard La

of children

Choctaw - w. oreole

Father,

Philip Flores, (d)

Mother,

Emma Allen (FLORES) &

children

(claim) through their father

Children:

James Flores	—	19
William "	—	17
Walter "		13
Lavinia "		11
May "		6.

Claims for her
& minor children

Stenographer

H. L. Harris.

Choctaw MCR 3715

Joe Milam

See MCR 1220

MCR 3715

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKE, I.T. October 9, 1901.

3715

In the matter of the application of Joe Milam for the identification of himself and his minor child as Mississippi Choctaws.

Applicant represented by J.E. Arnold.

Joe Milam being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joe Milam- (M-i-l-a-m.)
Q What is your age? A I am twenty one.
Q What is your post office address? A Armstrong, I.T.
Q How long have you lived at Armstrong? A About eight months.
Q Where did you live before you lived there? A A In Texas.
Q Where were you born? A Hunt County, Texas.
Q How long did you live there? A I was born and raised there.
Q What is your father's name? A M.L. Milam, or Mose Milam.
Q Is it Mose? A Mose.
Q Is he living? A Yes sir.
Q Has he made application here for identification? A Yes sir.
Q When did he appear; do you know? A No, its some time ago.
Q Through which parent do you claim Choctaw blood? A My mother.
Q What was her name? A Ida Milam.
Q Is she living? A Yes sir.
Q Has she made application here for identification as a Mississippi Choctaw? A Yes sir.
Q You claim through your mother, then, do you? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, not that I know of.
Q When did your mother come before the Commission to be identified? A About eight months ago.
Q And your father did not appear? A No sir; it was my mother.
Q Where did your mother appear? Here at Atoke? A Yes; the 25th July I believe here at Atoke.
Q How long ago did you say it was? The 25th of last July? A Yes sir.
Q Do you want her testimony considered as a part of your own when yours is considered? A Yes sir.
Q Have any others of your relatives appeared before the Commission for identification beside your mother? A Yes sir.

Q Who? A The Stanfords.

Q What is the full name? A Joe Stanford.

Q Who else? A Miss Hackler; theres several of the Stanfords; I don't remember their names.

Q When did they appear? A Along about the same time my mother did.

Q Last July some time? A Yes sir.

Q Did they claim through the same common ancestor you do? A Yes.

Q What was the name of that ancestor? A Payne.

Q What was the full name? Do you know? A If I can think of it- Philip Payne.

Q P-a-y-n-e? A Yes, I reckon so/

Q I don't want any reckoning about it; you must know. Is it P-a-y-n-e? A Yes sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Nannie Milan: (N-a-n-n-i-e.)

Q What is her blood? Is she a white woman? A Yes sir.

Q Do you make any claim for her? A No sir.

Q Have you any children whom you want to make application for?

A One.

Q What is the name? A Malcolm- (M-a-l-e-o-l-m.)

Q How old is he? A Four months old.

Q You claim for yourself and child? A Yes sir.

Q Is your name or the name of your child to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you made application for citizenship in the Choctaw Nation for yourself and child to the Choctaw tribal authorities? A No sir.

Q Have you made application for citizenship in the Choctaw Nation to the Dawes Commission under Act of Congress of June 10, 1896?

A No sir.

Q Have you ever been enrolled as a citizen of the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or the United States Court in the Indian Territory? A No sir.

Q Did you ever before this time make application for citizenship in the Choctaw Nation for yourself or child to either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.

Q Is it now your purpose in coming before the Commission to identify yourself and child as Mississippi Chotaws under the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I think I do.

Q Do you want it explained? A I don't think so; I understand it I think.

Q I will just read the article itself. "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall

include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand it, do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A I never understood you.

Q Did any of your ancestors ever comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A Not that I knew of.

Q You claim through your mother? Ida Milam? A Yes sir.

Q What was her maiden name? A McGregor; (M-c-g-r-e-g-o-r.)

Q She claimed her Choctaw blood through which parent, father or mother? A Through her mother? Yes.

Q What was her mother's name? A Jane Stanford.

Q What was her maiden name? (No answer.)

Q Ida Milam; she appeared for identification June 21st A Yes sir.

Q Did she claim through her father or mother? A Through her mother.

Q Her mother's married name was what? A I don't know.

Q You gave it just a minute ago. Wasn't it McGregor? A Yes sir.

Q What was her first name? A Elizabeth.

Q Elizabeth Stanford was her maiden name? A Yes sir.

Q She claimed her Choctaw blood through whom, her father or mother? A Through her father I reckon.

Q What was his name? A Philip Payne.

Q How is it his name is Payne and her maiden name was Stanford?

A I don't understand tracing it back; I knew some of the old ones who knewed him.

Q I am trying from your testimony to see if you are descended from Philip Payne; that is a material point in your case; but if you don't know, you can say so. A I don't know the rest of the people.

Q Then you have to say you don't know. Then, you cannot supply from your own knowledge the connecting link between this Philip Payne--? A Well, my mother's grandmother was a Stanford.

Q What has that to do with Philip Payne? A Her name was Elizabeth

Q Whose name was Elizabeth? A My mother's mother was Jane Stanford and her grandmother was Elizabeth Payne and her mother was Rissde Payne.

Q What has that to do with Philip Payne? A Well, Philip Payne was her father.

Q Whose father? A Elizabeth Stanford's.

Q You have got this thing pretty well mixed up. A Yes I have; I cannot explain it; I acknowledge I cannot explain it.

Q How do you know that you have Choctaw blood? A I have been taught that.

Q Who taught you that you had Choctaw blood? A My mother.

Q And she taught you you got your Choctaw blood from where?

A From her.

Q Did she tell you where she got it? A From the Stanfords; it came from the Paynes.

Q I don't know anything about the Stanfords or the Paynes; if you are able from family history to trace your Choctaw blood back to Philip Payne, I wish you would do it, and if you cannot I wish you would say so. A I can't do it.

Q How was the Choctaw ancestor who lived in Mississippi in 1830? A That's Philip Payne.

Q How do you know that Philip Payne lived in Mississippi in 1830?

A I was taught that.

Q Who told you so? A My mother.

Q Do you know it from any other source? A No sir, I don't know as I do.

Q What relation was Philip Payne to you? A He was my great great grandfather.

Q Was he a head of a family in Mississippi in 1830? A I don't know.

Q Did he own any improvements on land in Mississippi in 1830? A I don't know.

Q Did any others of your Choctaw ancestors? A I don't know.

Q Did he or any others of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.

Q Did he or any others of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that they intended to stay in Mississippi and take land there? A I don't know.

Q Did he or any others of your Choctaw ancestors receive or claim any land in Mississippi or Alabama as Choctaw Indians under this treaty of 1830, A I don't know.

Q Did they receive or claim any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

In accordance with the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek the United States Indian agent who lived in Mississippi in 1830 and whose name was Col. Ward was instructed to make a list of the names of all the Mississippi Choctaws who within six months after the ratification of the treaty of 1830 went to him and told him that they wanted to stay in Mississippi and take land in that State. Col. Ward neglected to make a list of the names of a great many Indians who did do that within the time limited in article fourteen and as a result of his neglect many Choctaw Indians who lived upon land in Mississippi had their lands taken from them by the Government and they lost both the lands and improvements. So many complaints were made by the Choctaw Indians because of this that the Government in 1837 appointed a Commission under Act of Congress of March 3, 1837, and this Commission went to Mississippi and heard a good many claimants under article fourteen of the treaty and made lists of these who had proven their claims before that Commission. In 1842 another Commission was appointed for the same purpose.

Q Did any of your ancestors, Philip Payne or any others, appear before either of these Commissions and claim benefits under that fourteenth article? A I don't know.

Q Did any of your ancestors go before the Commission of 1842 and prove that they had rights under article fourteen and receive certificates of land to be selected from the Public Lands in Arkansas, Alabama, Louisiana and Mississippi, and receive scrip which should entitle them to go and select land there? A I don't know.

Q How do you any documentary evidence you would like to introduce now in support of your application? A No sir.

Q Have you the marriage license and certificate between your father and mother and your own marriage license and certificate of your marriage with your wife--? A Yes I have got them but not now.

Reasonable time will be allowed this applicant in which to present proper documentary or other evidence in support of this application for himself and his children; also proof of the marriage of his father and mother and also of his own.

Q Do you speak the Choctaw language? A No sir.

Q Can you give the names of any others of your kin people who have appeared for identification before this? (No answer.)

You are not able to supply any evidence at all that is satisfactory of your descent from Philip Payne or of his complying with the provisions of the fourteenth article. You fail entirely to prove your descent. Do you--? A No sir, I don't, know.

Q Now the Commission will suggest that you supply that missing link of descent in some way and that after having done that you are to prove his compliance or the compliance on the part of your ancestors with the provisions of that article of the treaty? A Yes.

Q You claim to have one sixteenth Choctaw blood; how did you arrive at that conclusion? A Mother claimed to be an eighth.

Q She made application her July 25th? A Yes sir.

Q Well, you don't know anything further about it than that your mother claimed an eighth? A No sir.

Q You are not able to go back farther and say how much any of your ancestors claimed? A No sir.

Q You depend upon the testimony given by her to substantiate some of the statements made by you? A Yes sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; gray eyes, somewhat dark complexion and dark brown hair. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 6 day of November, 1901.

Charles William Smith
Notary Public.

Muskogee, Indian Territory, November 15, 1901.

J. W. Arnold,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant enclosing marriage license and certificate between W. L. Milam, and I. T. McGrigor and marriage license and certificate between J. E. Milam and Minnie McClelland, offered by you for filing in support of the applications of Ida Milam and Joe Milam for the identification of themselves and their minor children as Mississippi Choctaws.

You are informed that the same have this day been filed with the other records in these cases and will receive the consideration of the Commission in the disposition of the claims of these persons as Mississippi Choctaws.

Yours truly,

W. C. 2704
W. C. 3715

Acting Chairman.

COPY.

M C R 8718

Mustang, Indian Territory, July 21, 1908.

Joe Milan,

Armstrong, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of July 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of V. C. Stanford, Sr. et al., embracing the following applications for identification as Mississippi Choctaws:

V. C. Stanford, Sr., et al.,	M C R 1280
Mary Hookler,	" 910
Harriet Jane McFee, et al.,	" 911
John Stanford,	" 912
Mary Blue, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford,	" 915
Laura E. Stanford,	" 916
Pittie H. Stanford, et al.,	" 917
James A. Stanford, et al.,	" 918
Thomas A. Stanford,	" 919
Joseph Stanford, et al.,	" 920
Elizabeth C. Smith, et al.,	" 921
F. R. Stanford, et al.,	" 922
Joseph Stanford,	" 923
Ida Milan, et al.,	" 924
Hellie Reynolds, et al.,	" 925
Bertie Ray, et al.,	" 926
Albert Stanley Hookler, et al.,	" 927
Mary S. Middle, et al.,	" 928
Joe Milan, et al.,	" 929
Valeria Cooper, et al.,	" 930
Topsy Holt,	" 931
Verna Cox, et al.,	" 932
Ruby Fickles, et al.,	" 933

These applications were made under the provisions of the act of Congress of June 26, 1906 (34 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of V. C. Stanford, Sr., Carl C. Stanford, Marvin C. Stanford, Mary Haskler, Harriet Jane Hobbs, John H. Hobbs, Paul Hobbs, Ruth Hobbs, Errie Hobbs, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Binnie B. Stanford, Ethel M. Stanford, Alva J. Stanford, Yonice B. Stanford, George A. Stanford, John Henry Stanford, Laura E. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Kate May Stanford, Lucie Stanford, Thomas A. Stanford, Frances Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth C. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt C. Smith, J. R. Stanford, Harrie Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary A. Milam, Edith Milam, Nellie Reynolds, Maggie Reynolds, Greter Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cora Day, Ned Day, Francis Day, Ray Day, Albert Sidney Haskler, Lillie Haskler, Mary C. Middle, Albert L. Middle, Joe Milam, William Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armand Cooper, Willie Cooper, Tony Cox, Elm Cox, Andrew Cox, Peter Cox, Willie Nicholas and Pearl Jane Nicholas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article Fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it so be ordered."

J N 98

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

T. I. McCall

Commissioner in Charge.

Registered.

M. C. R. 3715.

Muskogee, Indian Territory, October 14, 1902.

Joe Milam,

Armstrong, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

W. C. Stanford, Jr.
Commissioner in Charge.

M.C.R. 3715.

COPY

Muskogee, Indian Territory, November 14, 1906.

Joe Milan,

Armstrong, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office on June 23, 1906, by Mollie Reynolds, of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

No. 3715

For Identification as a Mississippi Choctaw.

Date OCT -9 1901

Name Joe Milam

Age 21

Blood 1/16

Post Office, Armstrong, L. T.

Father: ~~Atter~~ S. Milam, L.

Mother: Ida " " L.

Claims through mother —
wife. Hannie Milam, W.
No claim for wife —

Children:

~~Malcolm~~

MALCOLM,

4 m

Claim for self &
children —

Stenographer

H. G. Hamlin

Choctaw MCR 3716

Eula E. Stobaugh

See MCR 7

MCR 3716

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

ATOKA, I.T. October 9, 1901.

3716

In the matter of the application of George M. Stebaugh for the identification of his five minor children as Mississippi Choctaws.

Applicant represented by J.E. Arnold.

George M. Stebaugh having been first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A George M. Stebaugh.

Q Spell that. A S-t-e-b-a-u-g-h.

Q What is your age? A Fifty three.

Q What is your post office address? A Wapanucka, Indian Territory.

Q How long have you lived there? A Three years.

Q These children that you are making application for lived with you all the time? A Yes sir.

Q Where did you live before you lived in the Territory? A In Missouri.

Q Were these children born in Missouri? A No sir.

Q Well, before you lived in Missouri where did you live? A In Texas.

Q Before that where did you live? A In Kentucky.

Q Where before that did you live? A I didn't live.

Q Then you started out in your career from Kentucky? A Yes sir.

Q Are you making application for your minor children? A Yes sir.

Q Is your wife dead? A Yes sir.

Q She was Choctaw or part Choctaw, was she? A Yes sir.

Q How much Choctaw blood did your wife have? A Sixteenth, we claimed.

Q What was her name? A Margaret.

Q How many children have you under twenty one years of age and unmarried for whom you wish to make application? A Five.

Q Give me the name of the eldest of them five. A I will just give it right here on this paper.

Q Ella E. Stebaugh; how old is she? Age sixteen? A Yes sir.

Q The next one is Herman D.-? A Yes sir.
 Q How old? A Thirteen.
 Q The next one is George A., is it? A Yes sir.
 Q How old? A Eleven.
 Q Next? Ida P? A Yes.
 Q How old? A Eight years old.
 Q Next? A Alva D.
 Q Six years old? A Yes sir.
 Q Any more? A No sir.
 Q You make no claim for yourself as an inter-married citizen, do you? A No sir.
 Q You come here before this Commission to make application for these minor children as claiming through your wife, Margaret, do you? A Yes sir.
 Q What is the name of your wife's father? A William Marlow.
 Q And her mother's name? A Margaret Marlow. That's my wife's grandmother. My wife's mother's name was Ann Marlow. Her maiden name was Pruett.
 Q Are both of your wife's parents dead? A No sir.
 Q The wife is dead? A Yes sir.
 Q But was William Marlow dead? A Yes sir.
 Q Is Ann Marlow dead? A Not that I knew of.
 Q She is living? A Yes sir.
 Q Do you know whether your wife has ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
 Q When and where were you married to your wife? A In Fannin County, Texas.
 Q When? A '77.
 Q What day of the month? A 17th of August.
 Q Have you the marriage license and certificate with you? A No sir.
 Q Can you produce it if given a reasonable time? A Yes I suppose

Reasonable time will be allowed you to do so.

Q When and where did your wife Margaret die? A In 1898.
 Q Where do you know? A In Missouri.
 Q What was her age when she died? A About thirty six.
 Q Did she ever live in Mississippi? A No sir.
 Q Where was her child Bula E. Stebaugh born? A In Missouri.
 Q Where was Herman D. Stebaugh born? A In Arkansas.
 Q And George A. -? A In Missouri.
 Q Ida P. and Alva B.? A In Missouri.
 Q Your residence for three or more years last past has been where? A In the Choctaw Nation.
 Q How long have you resided there continuously for the last few years? A A little better than three years.
 Q And the children have been with you all the time? A Yes sir.
 Q Are the names of any of these children to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application or has any one else for them made application for citizenship in the Choctaw Nation to the tribal authorities? A Nothing only what was spoken of about two years ago.

Q Did you ever make application to the Dawes Commission to have these children enrolled as citizens of the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q That is five years ago? A No sir, I didn't.

Q Did you ever make application to the Commission to the Five Civilized Tribes for the enrollment of these children as Choctaws, either as Mississippi Choctaws or as Choctaws by blood? A Nothing only that one.

Q What did you do then? A Yes sir.

Q When did you ever make application for them for enrollment as citizens? A A year ago last June.

Q June 1890? A Yes sir.

Q Where, at Muskogee? A No sir, out here about two miles.

Q Near Ateka, in the field? A Yes sir.

Q Who was hearing applications at that time, do you remember?

A Mr. Bixby.

Q Did you make application for them for enrollment as citizens by blood or as Mississippi Choctaws? A By blood.

Q What was done with that application, do you know? A It was sent to the Secretary of the Interior- to be held till he gave his final decision.

Q What was done with it? A I don't know.

Q Never heard from it at all? A No sir.

Q Never heard it was rejected or accepted? A No sir.

Q Well you have an application then, pending and you don't know what will be done or what has been done; and now you put in an application of another kind? A Now is that?

Q You have two applications now before the Commission, the one pending which you made for the admission by blood of these children before Commissioner Bixby, near Ateka, here, in June 1900, that you say you have not heard from and now you put in an application for their identification as Mississippi Choctaws? A Yes sir.

Q You cannot have two applications pending at the same time; what is your wish about that? To withdraw the application for identification as Choctaw by blood of your children made in June, 1900? A Yes sir.

Q Do you wish to have your attorney file a motion to have that dismissed? A Yes sir.

Q If that is done, then this application will be heard now.

(Attorney Arnold says that will be done.)

Q Do you now come before this Commission for the purpose of the identification of your minor children who take their Choctaw blood through your wife, Margaret, their mother, under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand the provisions of that treaty? A No sir.

Q You knew what a treaty is, do you, Mr. Stebaugh? A Yes sir.

A treaty was made between the United States Government and the Choctaw Indians in 1830 for the purpose of the removal of the Choctaw Indians, all of them, who lived in the old Choctaw Nation in Mississippi and Alabama from that nation to the new Choctaw Nation in the Indian Territory. The Indians had no rights in the

old Choctaw Nation in Mississippi and the Government claimed they were powerless to protect them against the encroachments of the citizens in the State of Mississippi. The United States said they had no right to work against State rights and in order to protect and also for their removal to the new Nation in the Indian Territory the United States guaranteed them a tribal government in which they should be allowed to regulate their own affairs, undisturbed by anybody else. So the object of that treaty was the removal of all the Choctaw Indians from the ~~old~~ Choctaw Nation to the new Choctaw Nation; but before the treaty was signed it became evident that a great many Choctaw Indians wouldn't come to the Territory and in order to protect their rights and interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the ~~presenting interest~~ privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that, do you, Mr. Stebaugh? A Yes sir.
- Q Do you know whether any of the Choctaw ancestors of these children ever complied or attempted to comply with any of the provisions of article fourteen as read to you? A No sir.
- Q What was the name of the Choctaw ancestor of these children who lived in Mississippi in 1830? A I don't know that there were any of them.
- Q Well, you claim for them through your wife, Margaret? A Yes sir.
- Q What was her maiden name? A Marlew.
- Q She claimed through which parent? A Her father.
- Q William Marlew? A Yes sir.
- Q He claimed through which parent? A His mother.
- Q How much Choctaw blood do you claim for these children? A One sixteenth.
- Q William Marlew claimed through his mother; what was her name? A Margaret Marlew.
- Q Did she live in Mississippi in 1830? A No sir.
- Q Where did she live? A I don't know.
- Q Did William Marlew live in Mississippi in 1830? A I don't know.
- Q Do you know whether any of the ancestors of these children ever lived in Mississippi? A I never heard.
- Q How do you claim for them as Mississippi Choctaws if you don't know whether any of their ancestors lived in Mississippi? A-----
- Q It is necessary for you to prove that the ancestors of these children lived in Mississippi; that's one point for you to prove. (No answer.)

- Q You cannot give me any more testimony then on that point?
- A Nothing more than they have proven up their citizenship.
- Q Who have? A My wife's relations.
- Q I am asking you now about this application you are making for these children of yours for identification as Mississippi Choctaws? And it must appear to you of very great importance that you testify or bring proof in some way shewing that some of the ancestors of these children, if Choctaw Indians, lived in Mississippi; and you must prove that they had Choctaw blood, that their ancestors had Choctaw blood, and that their ancestors lived in Mississippi and further that they complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830.
- Q What Mississippi Choctaw ancestor do you claim for these children of yours and your wife? A (No answer.)
- Q Do you claim that your wife had a sixteenth Choctaw blood? A Yes.
- Q How much do you claim for your children? A No; I claim my wife had an eighth and my children a sixteenth.
- Q How do you know that your wife had an eighth? A I don't know only what the relations has told me.
- Q What relations? A My wife's uncles and aunts.
- Q Did they tell you she had an eighth? A Yes sir.
- Q Did they tell you where she got her Choctaw blood? A Yes sir.
- Q Did she tell you or did they tell you who the ancestor was, way back there, from whom they get Choctaw blood? A Yes sir.
- Q Who was it? A John Patterson.
- Q Was he a full blood? A Yes sir.
- Q Where did he live? A I don't know.
- Q Where did he die? A I don't know.
- Q When did he die? A I don't know.
- Q What relation was he to these children? A He was great-grandfather to my wife's uncle.
- Q I don't want your wife's uncle in this thing at all. You claim for the children through their mother, your wife, Margaret? Her maiden name was Marlow; you say she claimed through her father, William Marlow? A Yes sir.
- Q He claimed through which parent? A Mother.
- Q What was her maiden name? A Margaret Patterson was her maiden name.
- Q What was her father's name? A ----
- Q John Patterson? A Yes sir.
- Q Are you sure? A Yes sir.
- Q He was a full blood? A Yes sir.
- Q How do you know that this line of descent is correct from John Patterson down to these children? A Only from what the relations tell me.
- Q From family history? A Yes sir.
- Q Now you never heard that John Patterson lived in Mississippi?
- A Not that I remember.
- Q Nor his daughter, Margaret Patterson? A No sir.
- Q Or that William Marlow did? A No sir.
- Q Or none of these people? A No sir.
- Q They may have lived there but you don't know anything about it?
- A No sir.
- Q Did any of these childrens' ancestors ever own any land in Mississippi or Alabama or any improvements? A I don't know.

Q Did any of these ancestors of these children go from the Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory between 1833 to 1838? A I don't know.

Q Did any of the Choctaw ancestors of these children within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Col. Ward that they intended to stay in Mississippi and take land there? A I don't know.

Q Did any of the Choctaw ancestors of these children ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them ever claim or receive any land or other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

After article fourteen of the Treaty of Dancing Rabbit Creek was made and inserted into the treaty of 1830 the Government directed the United States Indian Agent who lived in Mississippi at that time pursuant to the provisions of that article of that treaty to make a list of the names of all Choctaw claimants who came before him within six months time after the ratification of the treaty and put upon his register those claimants who claimed rights under article fourteen of the treaty. He neglected to do so, so that Ward's Register contains the names of but very few Choctaw Indian claimants who went before him at that time and told him they wanted to stay in Mississippi, take land there and become citizens of the States; and this neglect on the part of the agent caused the Indians to lose their lands and all the improvements upon the lands, for it was taken from them by the Government and sold. So many complaints were made that in 1837 Congress appointed a Commission which went to Mississippi and heard many Choctaw claimants and made lists of the successful claimants. In 1842 another Commission was appointed for the same purpose and this Commission made lists of the names of the successful claimants under article fourteen.

Q Did any of your children's ancestors go before either of these Commissions and claim rights under article fourteen? A No sir; I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen, and if it also appeared that his land had been taken from him that he should be entitled to select land in the Public lands of Mississippi, Alabama, Arkansas or Louisiana, and that certificates should be given to him to that effect; these certificates were called scrip.

Q Did any of the ancestors of these children receive any such scrip from the Government as Choctaw Indians? A I don't know.

Q Have you any documentary evidence you would like to introduce now in support of this claim? Any papers of any kind? A No sir.

Reasonable time will be allowed this applicant in which to file

documentary evidence in support of the application which he makes for these children who claim their Choctaw blood and their right to be identified as Mungbean Choctaws through his wife, Margaret, who is their mother, also proof of the legal marriage of this applicant with his wife, Margaret whose maiden name was Harlow.

Q Did your wife speak the Choctaw language? A No sir only a few words she learned around; I don't know whether they was correct or not.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 8 day of November, 1901.

Clara Mitchell Wood.

Notary Public.

Commission to the Five Civilized Tribes,
Atoka, I. T., June 5, 1900,
Choctaw R 499

In the matter of the application for the enrollment of Mary Ann Stobaugh et al as citizens of the Choctaw Nation; George M. Stobaugh being sworn and examined by Commissioner Bixby testifies as follows:

- Q What is your name? A George M. Stobaugh.
Q How old are you? A Fifty-two years old.
Q What is your post-office address? A Wapanuka.
Q Is the post-office address of your children the same as yours?
Q Yes sir.
Q Your children live at Wapanuka? A Yessir.
Q Do you make application for your children for enrollment as Choctaw Indians by blood? A Yes sir.
Q Your wife is dead? A Yessir.
Q What is the name of your wife? A Margaret.
Q What was her maiden name? A Margaret Marlow.
Q Was she a Choctaw Indian? A Yes sir.
Q Was she on the Choctaw rolls? A No sir.
Q To what county in the Choctaw Nation did she claim to belong?
A I don't know as there was any particular county.
Q What was the name of her father? A William Marlow.
Q Was he a Choctaw Indian? A Yes sir.
Q Was he on the Choctaw rolls? A No sir.
Q What was the name of her mother? A Margret Patterson., was
her maiden name.
Q Was she a Choctaw Indian? A Yes sir.
Q Was she ever on the Choctaw rolls? A I think so.
Q Is she living now? A I think she is living.
Q What was your wife's mother's maiden name? A Pruett.
My wife's mother was no Choctaw.
Q Your wife's grandmother wasn't a Choctaw either? A Yessir.
One of her grandmothers was; I thought you meant her grandmother
a while ago.
Q Her father's mother? A Yes sir.
Q How long have your children lived in the Indian Territory?
Q Going on two years.
Q Where did they live prior to that? A In Missouri.
Q Do you remember when they came to the Indian Territory?
A Yes sir.
Q What month was it? A It was December 12th 1898.
Q Is that the first time they had ever been in the Choctaw Nation?
A They had been through it once.
Q That was the first time they ever came here to live? A Yessir.
Q Have your children ever been enrolled by the Choctaw Tribal au-
thorities? A No sir.
Q Did you ever apply to the Choctaw authorities for enrollment?
A No sir.
Q Did you apply to the Dawes Commission in 1896 for the enroll-
ment of your children? A No sir.
Q Are you the same Stobaugh that made application in 1894?
A No sir, that was Strobough, mine is Stobaugh.
Q What proportion of Choctaw blood do you claim your children to
have? A One-sixteenth.
Q Under what law were you married? A United States law.
Q Where were you married? A Fannin County, Texas.
Q What year was that, do you remember? A 1875.
Q Is there any additional statement in regard to the case of
your children you desire to make? A I have some witnesses.
Q How many? A Two.
Q For what purpose do you wish to introduce these witnesses?
A To help the children if necessary; to identify that they are

my children.

Com'r Bixby: That statement is not controverted; it is admitted that they are your children.

The names of my children are: William Chesley Stobough; he is over twenty-one, Mary Ann Stobough, Ula Ethel ~~St~~ Stobough, Herman Bailey Stobough, Amosias G. Stobough, Ida Precilla Stobough, Alva Daniel Stobough.

Q Is there anything else that you wish to offer, any testimony further? A No sir.

Q If there should be any additional statements or affidavits or other proper papers that you would like to offer in this case you will be permitted to present them.

This testimony and any papers which you file with this Commission will be forwarded to the Secretary of the Interior for his examination when the rolls are sent to him for final approval.

The application for the enrollment of your children is refused for the reason that it does not appear that their names are upon the authenticated roll of the Choctaw Nation now in possession of this Commission, and for the further reason that they did not remove to and in good faith become residents of the Nation in which they claimed citizenship prior to the 28th day of June 1898.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

M.D.Green

Subscribed and sworn to before me this 7 day of June 1900.

[Signature]
Act'g Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

ATOKA, I.T. October 9, 1901.

3716

In the matter of the application of George M. Stebaugh for the identification of his five minor children as Mississippi Cheetaws.

Applicant represented by J.B. Arnold.

George M. Stebaugh having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George M. Stebaugh.
Q Spell that. A S-t-e-b-a-u-g-h.
Q What is your age? A Fifty three.
Q What is your post office address? A Wapanucka, Indian Territory.
Q How long have you lived there? A Three years.
Q These children that you are making application for lived with you all the time? A Yes sir.
Q Where did you live before you lived in the Territory? A In Missouri.
Q Were these children born in Missouri? A No sir.
Q Well, before you lived in Missouri where did you live? A In Texas.
Q Before that where did you live? A In Kentucky.
Q Where before that did you live? A I didn't live.
Q Then you started out in your career from Kentucky? A Yes sir.
Q Are you making application for your minor children? A Yes sir.
Q Is your wife dead? A Yes sir.
Q She was Cheetaw or part Cheetaw, was she? A Yes sir.
Q How much Cheetaw blood did your wife have? A Sixteenth, we claimed.
Q What was her name? A Margaret.
Q How many children have you under twenty one years of age and unmarried for whom you wish to make application? A Five.
Q Give me the name of the eldest of them five. A I will just give it right here on this paper.
Q Lula M. Stebaugh; how old is she? A Sixteen? A Yes sir.

Q The next one is Herman D.-? A Yes sir.
 Q How old? A Thirteen.
 Q The next one is George A., is it? A Yes sir.
 Q How old? A Eleven.
 Q Next? Ida P? A Yes.
 Q How old? A Eight years old.
 Q Next? A Alva D.
 Q Six years old? A Yes sir.
 Q Any more? A No sir.
 Q You make no claim for yourself as an inter-married citizen, do you? A No sir.
 Q You come here before this Commission to make application for these minor children as claiming through your wife, Margaret, do you? A Yes sir.
 Q What is the name of your wife's father? A William Marlow.
 Q And her mother's name? A Margaret Marlow. That's my wife's grandmother. My wife's mother's name was Ann Marlow. Her maiden name was Pruett.
 Q Are both of your wife's parents dead? A No sir.
 Q The wife is dead? A Yes sir.
 Q But was William Marlow dead? A Yes sir.
 Q Is Ann Marlow dead? A Not that I know of.
 Q She is living? A Yes sir.
 Q Do you know whether your wife has ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
 Q When and where were you married to your wife? A In Fannin County, Texas.
 Q When? A '77.
 Q What day of the month? A 17th of August.
 Q Have you the marriage license and certificate with you? A No sir.
 Q Can you produce it if given a reasonable time? A Yes I suppose
 Reasonable time will be allowed you to do so.

Q When and where did your wife Margaret die? A In 1898.
 Q Where do you know? A In Missouri.
 Q What was her age when she died? A About thirty six.
 Q Did she ever live in Mississippi? A No sir.
 Q Where was her child Lula E. Stebaugh born? A In Missouri.
 Q Where was Herman D. Stebaugh born? A In Arkansas.
 Q And George A. -? A In Missouri.
 Q Ida P. and Alva D.? A In Missouri.
 Q Your residence for three or more years last past has been where? A In the Choctaw Nation.
 Q How long have you resided there continuously for the last few years? A A little better than three years.
 Q And the children have been with you all the time? A Yes sir.
 Q Are the names of any of these children to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application or has any one else for them made application for citizenship in the Choctaw Nation to the tribal authorities? A Nothing only what was spoken of about two years ago.

Q Did you ever make application to the Dawes Commission to have these children enrolled as citizens of the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q That is five years ago? A No sir, I didn't.

Q Did you ever make application to the Commission to the Five Civilized Tribes for the enrollment of these children as Choctaws, either as Mississippi Choctaws or as Choctaws by blood? A Nothing only that one.

Q What did you do then? A Yes sir.

Q When did you ever make application for them for enrollment as citizens? A A year ago last June.

Q June 1890? A Yes sir.

Q Where, at Muskogee? A No sir, out here about two miles.

Q Near Ateka, in the field? A Yes sir.

Q Who was hearing applications at that time, do you remember?

A Mr. Bixby.

Q Did you make application for them for enrollment as citizens by blood or as Mississippi Choctaws? A By blood.

Q What was done with that application, do you know? A It was sent to the Secretary of the Interior- to be held till he gave his final decision.

Q What was done with it? A I don't know.

Q Never heard from it at all? A No sir.

Q Never heard it was rejected or accepted? A No sir.

Q Well you have an application then, pending and you don't know what will be done or what has been done; and now you put in an application of another kind? A Now is that?

Q You have two applications now before the Commission, the one pending which you made for the admission by blood of these children before Commissioner Bixby, near Ateka, here, in June 1900, that you say you have not heard from and now you put in an application for their identification as Mississippi Choctaws? A Yes sir.

Q You cannot have two applications pending at the same time; what is your wish about that? To withdraw the application for identification as Choctaw by blood of your children made in June, 1900?

A Yes sir.

Q Do you wish to have your attorney file a motion to have that dismissed? A Yes sir.

Q If that is done, then this application will be heard now.

(Attorney Arnold says that will be done.)

Q Do you now come before this Commission for the purpose of the identification of your minor children who take their Choctaw blood through your wife, Margaret, their mother, under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand the provisions of that treaty? A No sir.

Q You knew what a treaty is, do you, Mr. Stebaugh? A Yes sir.

A treaty was made between the United States Government and the Choctaw Indians in 1830 for the purpose of the removal of the Choctaw Indians, all of them, who lived in the old Choctaw Nation in Mississippi and Alabama from that nation to the new Choctaw Nation in the Indian Territory. The Indians had no rights in the

old Choctaw Nation in Mississippi and the Government claimed they were powerless to protect them against the encroachments of the citizens in the State of Mississippi. The United States said they had no right to work against State rights and in order to protect and also for their removal to the new Nation in the Indian Territory the United States guaranteed them a tribal government in which they should be allowed to regulate their own affairs, undisturbed by anybody else. So the object of that treaty was the removal of all the Choctaw Indians from the ~~old~~ Choctaw Nation to the new Choctaw Nation; but before the treaty was signed it became evident that a great many Choctaw Indians wouldn't come to the Territory and in order to protect their rights and interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the ~~presenting~~ privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that, do you, Mr. Stebaugh? A Yes sir.
- Q Do you know whether any of the Choctaw ancestors of these children ever complied or attempted to comply with any of the provisions of article fourteen as read to you? A No sir.
- Q What was the name of the Choctaw ancestor of these children who lived in Mississippi in 1830? A I don't know that there were any of them.
- Q Well, you claim for them through your wife, Margaret? A Yes sir.
- Q What was her maiden name? A Marlew.
- Q She claimed through which parent? A Her father.
- Q William Marlew? A Yes sir.
- Q He claimed through which parent? A His mother.
- Q How much Choctaw blood do you claim for these children? A One sixteenth.
- Q William Marlew claimed through his mother; what was her name? A Margaret Marlew.
- Q Did she live in Mississippi in 1830? A No sir.
- Q Where did she live? A I don't know.
- Q Did William Marlew live in Mississippi in 1830? A I don't know.
- Q Do you know whether any of the ancestors of these children ever lived in Mississippi? A I never heard.
- Q How do you claim for them as Mississippi Choctaws if you don't know whether any of their ancestors lived in Mississippi? A-----
- Q It is necessary for you to prove that the ancestors of these children lived in Mississippi; that's one point for you to prove. (No answer.)

Q You cannot give me any more testimony then on that point?

A Nothing more than they have proven up their citizenship.

Q Who have? A My wife's relations.

Q I am asking you now about this application you are making for these children of yours for identification as Mississippi Choctaws? And it must appear to you of very great importance that you testify or bring proof in some way showing that some of the ancestors of these children, if Choctaw Indians, lived in Mississippi; and you must prove that they had Choctaw blood, that their ancestors had Choctaw blood, and that their ancestors lived in Mississippi and further that they complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830.

Q What Mississippi Choctaw ancestor do you claim for these children of yours and your wife? A (No answer.)

Q Do you claim that your wife had a sixteenth Choctaw blood? A Yes

Q How much do you claim for your children? A No; I claim my wife had an eighth and my children a sixteenth.

Q How do you know that your wife had an eighth? A I don't know only what the relations has told me.

Q What relations? A My wife's uncles and aunts.

Q Did they tell you she had an eighth? A Yes sir.

Q Did they tell you where she got her Choctaw blood? A Yes sir.

Q Did she tell you or did they tell you who the ancestor was, way back there, from whom they got Choctaw blood? A Yes sir.

Q Who was it? A John Patterson.

Q Was he a full blood? A Yes sir.

Q Where did he live? A I don't know.

Q Where did he die? A I don't know.

Q When did he die? A I don't know.

Q What relation was he to these children? A He was great-grandfather to my wife's uncle.

Q I don't want your wife's uncle in this thing at all.

You claim for the children through their mother, your wife, Margaret? Her maiden name was Marlow; you say she claimed through her father, William Marlow? A Yes sir.

Q He claimed through which parent? A Mother.

Q What was her maiden name? A Margaret Patterson was her maiden name.

Q What was her father's name? A ----

Q John Patterson? A Yes sir.

Q Are you sure? A Yes sir.

Q He was a full blood? A Yes sir.

Q How do you know that this line of descent is correct from John Patterson down to these children? A Only from what the relations tell me.

Q From family history? A Yes sir.

Q Now you never heard that John Patterson lived in Mississippi?

A Not that I remember.

Q Nor his daughter, Margaret Patterson? A No sir.

Q Or that William Marlow did? A No sir.

Q Or none of these people? A No sir.

Q They may have lived there but you don't know anything about it?

A No sir.

Q Did any of these childrens' ancestors ever own any land in Mississippi or Alabama or any improvements? A I don't know.

Q Did any of these ancestors of these children go from the Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory between 1833 to 1838? A I don't know.

Q Did any of the Choctaw ancestors of these children within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Col. Ward that they intended to stay in Mississippi and take land there? A I don't know.

Q Did any of the Choctaw ancestors of these children ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them ever claim or receive any land or other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

After article fourteen of the Treaty of Dancing Rabbit Creek was made and inserted into the treaty of 1830 the Government directed the United States Indian Agent who lived in Mississippi at that time pursuant to the provisions of that article of that treaty to make a list of the names of all Choctaw claimants who came before him within six months time after the ratification of the treaty and put upon his register those claimants who claimed rights under article fourteen of the treaty. He neglected to do so, so that Ward's Register contains the names of but very few Choctaw Indian claimants who went before him at that time and told him they wanted to stay in Mississippi, take land there and become citizens of the States; and this neglect on the part of the agent caused the Indians to lose their lands and all the improvements upon the lands, for it was taken from them by the Government and sold. So many complaints were made that in 1837 Congress appointed a Commission which went to Mississippi and heard many Choctaw claimants and made lists of the successful claimants. In 1842 another Commission was appointed for the same purpose and this Commission made lists of the names of the successful claimants under article fourteen.

Q Did any of your children's ancestors go before either of these Commissions and claim rights under article fourteen? A No sir; I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen, and if it also appeared that his land had been taken from him that he should be entitled to select land in the Public lands of Mississippi, Alabama, Arkansas or Louisiana, and that certificates should be given to him to that effect; these certificates were called scrip.

Q Did any of the ancestors of these children receive any such scrip from the Government as Choctaw Indians? A I don't know.

Q Have you any documentary evidence you would like to introduce now in support of this claim? Any papers of any kind? A No sir.

Reasonable time will be allowed this applicant in which to file

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Exhibitory evidence in support of the application which he makes for these children who claim their Choctaw blood and their right to be identified as Mississippi Choctaws through his wife, Margaret, who is their authentic proof of the legal marriage of this applicant with his wife, Margaret whose maiden name was Marlow.

Q Did your wife speak the Choctaw language? A No sir only a few words she learned around; I don't know whether they was correct or not.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 8 day of November, 1901.

Clara Mitchell Wood.

Notary Public.

EXHIBIT 320

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. February 14, 1902.

In the matter of the application for identification as Mississippi Choctaws of Eula E. Stobaugh, et al., M.C.R. 3716.

J. R. Arnold, attorney appearing for applicants.

Epsia Underwood being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Epsia Underwood.
Q E-p-s-i-a? A S-i-a.
Q What is your age? A About fifty, I think, now.
Q What is your post office address? A Waupanucka, Atoka County.
Q Indian Territory? A Yes, sir.
Q Are you acquainted with Eula E. Stobaugh? A That is Rosa aint' it?
Q No it is Eula; are you acquainted with her? A Yes, sir; and Herman, and Anna,---George, Annis, Ida Stobaugh.
Q You gave the name Herman, is it Herman D.? A Yes, sir.
Q Annis is George A.? A Yes, sir.
Q Ida; that is Ida P? A Yes, sir.
Q Alva; is Alva D? A No answer.
Q These are all minor children are they? A Yes, sir.
Q Now name the married children if you can? A Well neither of them is married.
Q Well I mean those that are over age? A William Chesley,-- Rosa Lee Stobaugh.
Q Are these relatives of yours? A Yes, sir.
Q What relation are these children to you? A Well they are my great nieces and nephews I suppose you call it. Their grandfather was my own brother. Their mother was a daughter of William Marlow.
Q Is it your purpose to come before the Commission to day to testify as to their Choctaw blood? A Yes, sir.
Q Will you state what you know about their having any Choctaw blood? A They have got one-eight I guess; no,--I guess one-sixteenth. Their grandfather was one-quarter.
Q What was their grandfather's name? A William Marlow.
Q What was the name of the mother of these children? A Margaret Marlow, who married George Stobaugh.
Q He is a white man? A Yes, sir.
Q And now lives at Waupanucka? A Yes; their mother is dead.
Q Have these children always lived at Waupanucka? A No, sir.
Q Where did they formerly live? A In Missouri.
Q Were they all born in Missouri? A No, sir.
Q Do you know what children were born in Missouri? A All from Annanias, the oldest ones from this Ethel were born in Texas I believe.
Q Were any of these children born in Mississippi? A No, sir.
Q Was their mother born in Mississippi? A No, sir.
Q Where was she born? A In Texas.
Q She claimed her Choctaw blood through which parent father or mother? A Her father.
Q What was her father's name? A William Marlow.

- Q Did he ever live in Mississippi? A I think he was born in Mississippi or over the line in Alabama. I don't know which it was.
- Q How old would he be if living now? A I could not say, I was young when he died, I think something over sixty years maybe.
- Q Did he claim Choctaw blood through his father or mother? A He mother.
- Q What was her name? A Margaret Marlow.
- Q Did she live in Mississippi or Alabama? A Yes, sir.
- Q Where? A The last in Alabama.
- Q Ever live in Mississippi? A I think so.
- Q Did she live in Mississippi or Alabama in 1830? A I don't know what time it was.
- Q How much Choctaw blood did she have? A One-half or over.
- Q Did she comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did she ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know what time it was that she owned land there but she owned land.
- Q Land that she bought? A I don't know how she got it.
- Q Did she or any of the Choctaw ancestors of these children within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of the Choctaw ancestors of these children go before the Commission appointed in 1837 by act approved March 3, of that year or before the Commission appointed in 1842 by act approved August 23rd of that year and claim any benefits as Choctaw Indians under article fourteen of that treaty? A I don't know if they did or not.
- Q Who is the common ancestor through whom these children claim who is also your ancestor? A Grandfather Patterson.
- Q Who is he? A He was my mother's father.
- Q Your mother's father? A Yes, he was a full blood.
- Q Your mother's father and their grandfather? A Yes; their great-grandfather.
- Q What was this Patterson's first name? A John Patterson.
- Q He was your grandfather? A Yes, sir.
- Q He was the children's great grandfather? A Yes, sir.
- Q What relation was John Patterson to Margaret Marlow the great-grandmother of these children? A Her father.
- Q Did he comply with the provisions of article fourteen of the treaty of 1830? A I could not tell you but I don't think he did. I think he came with the first Indians.
- Q How much Choctaw blood did he have? A Full blood.
- Q Is there anything further you want to state now in reference to the Choctaw blood of these children? A I don't think there is.

Examination by attorney J. N. Arnold.

- Q What is your name? A Epsia Underwood.
- Q Are you a citizen of the Choctaw Nation? A Yes, sir.
- Q Are you enrolled? A Yes, sir.
- Q When were you enrolled? A I was enrolled when the Court met at McAlester.
- Q When were you admitted? A I don't know.
- Q By the District Court at South McAlester? A Yes, sir.

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2. You made application to the Commission in ninety-sevent A. Ten, 1902.

3. Testimonial being duly sworn on his oath, the said stenographer, to the Commission to the Five Civilized Tribes, reported in full all the proceedings had in the above entitled cause on February 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

E. P. Winnick

Subscribed and sworn to before me this 8 day of March 1902.

Chas. M. Hill Wood

Notary Public.

Muskogee, Indian Territory, December 4, 1902.

Eula E. Stobaugh,

Wapanucka, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James White, et al., embracing the following applications for identification as Mississippi Choctaws:

James White,	M. C. R. 7
Eula E. Stobaugh, et al.,	M. C. R. 3716
William C. Stobaugh,	M. C. R. 3717
Rosie L. Stobaugh,	M. C. R. 3718
Margaret E. Hale, et al.,	M. C. R. 1464

These applications were made under the provision of the Act of Congress of June 26, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James White, Eula E. Stobaugh, Herman D. Stobaugh, George A. Stobaugh, Ida P. Stobaugh, Alva D. Stobaugh, William C. Stobaugh,

E E S. 2.

Rosia L. Stobaugh, Margaret E. Hale, Beulah Glover, Ola Glover and Floyd Hale as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered. "

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Acting Chairman.

Registered.

Choctaw R-499.

Muskogee, Indian Territory, March 8, 1902.

In the matter of the application of }
Mary Ann Stobough, Ula Ethel Sto- }
bough, Herman Dailey Stobough, Ann- }
ious G. Stobough, Ida Precilla Sto- }
bough and Alva Dennial Stobough, for }
enrollment as citizens of the }
Choctaw Nation. }

George M. Stobough,

Wapanucka, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that your children are entitled to identification as Mississippi Choctaws under the act of Congress of June 28, 1898, which provides as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the

G. M. B. 2

corroborating witnesses, and must set forth the fact that your children are the descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that their ancestors, such Choctaw Indians complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.

M.C.R. 3716

COPY.

Maskagoe, Indian Territory, March 21, 1903.

Eula E. Stebaugh,

Wapamucka, Indian Territory.

Dear Madam:

You are hereby notified that on the 10th day of March, 1903, the secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James White, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED).

James Bixby.
Chairman.

Chotaw MCR 3717

William C. Stobaugh

See MCR 7

MCR 3717

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 9, 1901.

3717

In the matter of the application of William C. Stobaugh for identification as a Mississippi Choctaw.

Applicant is represented by J.E. Arnold

William C. Stobaugh being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William C. Stobaugh (S-t-o-b-a-u-g-h.)
Q What is your age? A Twenty four years.
Q What is your post office address? A Wapanu oka, Indian Territory.
Q How long have you lived in Wapanucka? A About a month.
Q Where did you live before that? A In Colorado.
Q How long did you live in Colorado? A Three years.
Q Where did you live before you lived in Colorado? A In Missouri.
Q Where were you born? A Texas.
Q In what place in Texas? A Fannin County
Q Did you go from Texas to Missouri? A Not directly; we went from there to Arkansas and from there to Missouri.
Q What is your father's name? A George M. Stobaugh. Q He made application a few minutes ago, didn't he? A Yes sir.
Q For five minor children? A Yes sir.
Q Who claimed through his wife Margaret? A Yes sir.
Q What is your mother's name? A Margaret Stobaugh.
Q She is dead? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much do you claim? A One sixteenth.
Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A No sir.
Q Just claim for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory? A No sir.

Q Is this the first application of any kind you have ever made for enrollment as a citizen of the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities?
A Yes sir.

Q You now make application for identification as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen--? A No sir, I don't.

Q Do you understand it well enough to know what its provisions are and well enough to claim under it or not? A Well, I don't think I do.

Q Well, as explained before to these other applicants in your presence: In 1830 on the 27th day of September of that year a treaty was made between the United States Government and the Choctaw Nation then living in the State of Mississippi and part of the State of Alabama; the object of that treaty was to get all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to come West of the Mississippi River in what is called the new Choctaw Nation in Indian Territory in order that they might have a tribal government of their own and be undisturbed by encroachments of white people. Before the treaty was signed it became evident that a great many Choctaw Indians would refuse, did positively refuse to go to the new Choctaw Nation. This treaty would never have been signed, at least by representatives of the Choctaw Nation, if some provision had not been made for those Indians who desired to stay back in Mississippi and Alabama; to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q You understand that, do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1833 or any time before that? A I don't know.

Q You claim through your mother, Margaret? A Yes sir.

Q And she claims through which parent? A Her father.

Q His name was William Marlow? A Yes sir.

Q He claimed through which parent? A His mother.

Q What was her maiden name? A Patterson.

Q Who was her father? A John Patterson.

Q Was he a Choctaw Indian? A Yes sir; I am informed.

Q Was he a full-blood Choctaw Indian, do you know? A Yes sir.

Q Who was his father, do you know? A I suppose Patterson.

Q Don't know his given name? A No sir.

- Q You claim he was full-blood do you? A Yes sir.
- Q Did he or any of your ancestors in a direct line from yourself to him or further than to him, if you know, ever live in the State of Mississippi? A Well, not in a direct line; still I have heard.
- Q Well, you have a direct line? A Not that I know of; that is, I don't know; but I have heard.
- Q Who did you ever hear? John Patterson? A Yes sir.
- Q How did you learn that? A My great grandmother- that's my grandfather, John Patterson's daughter told me so; that in regard to her remembrance of him that he went down the Mississippi River and then come back to Mississippi; still may be he was in some other State.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q You have a belief founded on family history that at one time he was a resident of Mississippi? A Yes sir.
- Q you don't know when? A No sir.
- Q Do you know whether any of your Choctaw ancestors owned any improvements on land in Mississippi in 1830 or any time before that? A I don't know.
- Q Did he or any of your Choctaw ancestors go from Mississippi to the Indian Territory between 1833 to 1838? A I don't know.
- Q Did he or any of your Choctaw ancestors within six months from the ratification of the Treaty of 1830 signify to the United States Indian agent in Mississippi, Col. Ward, their intention to remain in Mississippi and take land there? A I don't know.
- Q Did he or any of your Choctaw ancestors receive or claim any land in Mississippi as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did he or any of your Choctaw ancestors receive or claim any benefits or land under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

According to the provisions of the fourteenth article of the treaty of 1830 this United States Indian agent who lived in Mississippi in 1830 was required to make a list of all Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and signified their intention to remain and take land in Mississippi. This agent failed to record the names of a great many Choctaw Indians who did come before him; and as a result of the neglect a great many Indians who owned land in Mississippi upon which they had improvements lost both the land and improvements because it was taken away from them by the Government and sold at its Public Land Sale; so many complaints were made because of this action of the agent that a Commission was appointed in 1837 which went to Mississippi and heard a great many claims under article fourteen and made lists of those whose claims were approved. In 1842 another Commission was appointed by Congress and they made lists of the successful claimants, under article fourteen.

- Q Did any of your Choctaw ancestors appear before either of these Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know.

The Act of Congress approved August 23, 1842, provided that if

any claimant before it had proven his claim before that Commission and if it also followed that his land had previously been taken from him that he should be entitled to select land either in Mississippi, Arkansas, Alabama or Louisiana to be taken from the vacant Government land and that certificates should be issued to him to that effect. These certificates were called scrip

Q Do you know if any of your Choctaw ancestors ever received any such scrip from the Government as Choctaw Indians? A I don't know.

Q Your father testified just previous to your application didn't he, on this date, in behalf of your minor brothers and sisters? A Yes sir.

Q What was his name? George E. Stebaugh? A Yes sir.

Q Do you want that testimony taken into consideration at the same time as so that you can get the benefit of it? A Yes sir.

Q Have you any written evidence you would like to introduce now in support of this application? A No sir.

Q Would you like a little time---? A Yes sir.

Q-- and also time to introduce evidence of the marriage of your father and mother? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce documentary evidence in support of his claim and also proof of the marriage of his father and mother.

Q Do you speak Choctaw? A No sir.

Q Understand it? A No sir.

Q Is there anything further you want to say in support of your claim? A No sir, I think not.

This applicant has the appearance and physical characteristics of being descended from white parentage; brownish eyes, medium brown hair and complexion. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reports in full all proceedings had in the above entitled cause on October 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 12 day of November.

Clara Mitchell Wood

Notary Public.

Muskogee, Indian Territory, November 18, 1901.

J. E. Arnold,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, with which you inclose motion and affidavit of George M. Stobaugh, an applicant for identification as a Mississippi Choctaw, to have his case re-opened for the hearing of additional testimony. You also ask that the cases of certain other applicants for identification as Mississippi Choctaws, claiming descent through the same common ancestor, be set for hearing the same day.

You are advised that no action has been taken relative to the rights of these applicants as Mississippi Choctaws, and the motion to re-open the case of George M. Stobaugh is herewith returned to you. If these applicants desire to offer additional evidence in support of their applications, the Commission will hear the testimony of witnesses who present themselves in person at its office at Muskogee, Indian Territory. If the witnesses are residents of the state of Mississippi, they may be heard at the office of the Commission at Meridian, Mississippi, between January 15, and February 15, 1901. If it is impossible to secure the personal attendance

J.E.A. 2

of witnesses, their depositions will be considered, when taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

AB 2-18

3717

COPY

M. C. R. 3717

Muskogee, Indian Territory, December 4, 1902.

William C. Stobaugh,

Wapanucka, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James White, et al., embracing the following applications for identification as Mississippi Choctaws:

James White,	M. C. R. 7
Eula E. Stobaugh, et al.,	M. C. R. 3716
William C. Stobaugh,	M. C. R. 3717
Rosie L. Stobaugh,	M. C. R. 3718
Margaret E. Hale, et al.,	M. C. R. 1464

These applications were made under the provision of the Act of Congress of June 25, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James White, Eula E. Stobaugh, Herman D. Stobaugh, George A. Stobaugh, Ida P. Stobaugh, Alva D. Stobaugh, William C. Stobaugh,

W C S 2.

Resia L. Stobaugh, Margaret E. Hale, Beulah Glover, Ola Glover and Floyd Hale as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams L. L. L.
Acting Chairman.

Registered.

M.C.R. 2717

COPY.

Waskagee, Indian territory, March 21, 1903.

William C. Stebaugh,

Wapamucka, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Chantaws of the several persons included in the consolidated case of James White, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

Tamr Dixby.
Chairman.

For Children

MEMORANDA.

32 Name *William Stough* (Date) *June 5 1880*

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, *Margaret Marvel*

Choctaw? *yes* County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

<i>William Stough</i>	County	Year	Page	No.
<i>Samuel Stough</i>	County	Year	Page	No.
<i>John Stough</i>	County	Year	Page	No.
<i>James Stough</i>	County	Year	Page	No.
<i>Charles Stough</i>	County	Year	Page	No.
<i>William Stough</i>	County	Year	Page	No.
<i>Samuel Stough</i>	County	Year	Page	No.
<i>John Stough</i>	County	Year	Page	No.
<i>James Stough</i>	County	Year	Page	No.
<i>Charles Stough</i>	County	Year	Page	No.
<i>William Stough</i>	County	Year	Page	No.
<i>Samuel Stough</i>	County	Year	Page	No.
<i>John Stough</i>	County	Year	Page	No.
<i>James Stough</i>	County	Year	Page	No.
<i>Charles Stough</i>	County	Year	Page	No.

Registered

REGISTERED

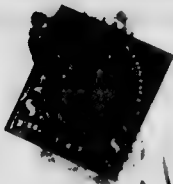
F. 1903

MUSKOGEE, IND. T

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MUSKOGEE, IND. T



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Returned to Wiler
4711
and for*

William C. Stobaugh,
~~Wapawick,~~ Indian Territory.

No. 3717

For Identification as a Mississippi Choctaw.

Date OCT -9 1901

Name William C. Stobaugh

Age 24 Blood 1/16

Post Office, Wapanucka, I. T.

Father: George M. Stobaugh L.

Mother: Margaret " d

Claims through mother --

~~Child~~

claims for self.

Stenographer H. H. Harris

Choctaw MCR 3718

Rosia L. Stobaugh

See MCR 1

MCR 3718

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 9, 1901.

2718

In the matter of the application of Resia L. Stebaugh for identification as a Mississippi Choctaw.

Applicant represented by J.R. Arnold.

Resia L. Stebaugh being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Resia L. Stebaugh. R-o-s-i-a- S-t-e-b-a-u-g-h-.)
- Q What is your age? A Twenty two.
- Q What is your post office address? A Wapanucka, Indian Territory.
- Q How long have you lived there? A Three years.
- Q Where did you live before you lived in Wapanucka? A In Missouri
- Q Where were you born? A In Fannin County, Texas.
- Q Where did you go from Fannin County Texas? A To Arkansas; then to Missouri.
- Q You didn't strike Kentucky? A No sir.
- Q What is your father's name? A George M. Stebaugh.
- Q Is that the same George M. Stebaugh who appeared before the Commission on today for the identification of your minor brothers and sisters? A Yes sir.
- Q Want to have his testimony considered with yours so that you may get the benefit--? A Yes sir.
- Q And also your brother's who just appeared before you? A Yes sir.
- Q What is your mother's name? A Margaret Stebaugh.
- Q She is dead? A Yes sir.
- Q You claim your Choctaw blood through your mother? A Yes sir.
- Q How much do you claim? A One sixteenth and she claimed an eighth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Are you married? A No sir.
- Q You claim for yourself alone? A Yes sir, for myself.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made application on to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the

act of Congress of June 10, 1896.? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory? A No sir.

Q Is this the first application for identification or enrolment that you have ever made either the Choctaw tribal authorities or the United States authorities? A Yes sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A (No answer)

Q You heard it explained a number of times today? A Yes sir.

Q You think you understand it? A I think I do.

Q You want it explained any further? A You might.

Q Well, I am going to make you understand that now so that you will always re- know it.

Q You know what a treaty is? A Yes sir.

Q It is an agreement in writing made between two or more Nations. An article of a treaty is one of the subdivisions of the treaty, commencing with one, two three, till you get to the end of the treaty; sometimes you have supplements- they have articles too and are signed as well as the principal treaty. There was a treaty made between the Choctaws in Mississippi and Alabama, parts of those States,- that was their original country; they never knew any other country up to 1830. But the white people encroached upon the Indians, and the Government thought that if they would come to the Indian Territory, this country here,- A Yes sir.

Q They could take a piece of land that the Government would give them a deed to, a title to, and then they would be protected by the United States Government in their tribal Government. In order in order to get them here the Government had to make a treaty with them that was called the treaty of 1830. While they were drawing up the treaty it became apparent that a great many would not leave their old home- it was bad enough but they didn't want to leave it- so some provision had to be made in that agreement or treaty for them: the Choctaws who stayed back were called Mississippi Choctaws. Article fourteen was drawn up for their especial benefit and was put into the treaty: Article fourteen was satisfactory to them and the treaty then became ratified and most of the Choctaws came here. The rest remained back. Now Article fourteen provides that those Choctaws who stayed back in Mississippi might finally come to the Territory and become citizens of the Indian Territory and have rights to land provided that every Indian who stayed back there must within six months from the ratification of the treaty of 1830 or in other words after it became a law operating as a law go to the United States Indian agent, Col. Ward, and tell him to put their names down on his list or register as being Indians who wanted to stay there in Mississippi and take lands there. But if they did this if they ever afterwards wanted to go to the Indian Territory they could do so; and they would not lose the privilege of a Choctaw citizen but would not get any of the Choctaw annuities. That's what I mean when I ask did any of your ancestors go to the Indian agent and tell him that they wanted to stay in Mississippi and take land there, within six months after the treaty? If they did take land in Mississippi and cultivate it for five years the Government could give them patents or deeds to it. You understand? A Yes sir.

Q How did any of your kin, ancestors, - your father or mother, grandfather or grandmother-- live in Mississippi and comply with the fourteenth article as I have explained it to you? A I don't know.

Q But you know what I mean when I ask that question, do you? A Yes sir.

Q If you did know that they did you could now say so? A Yes sir.

Q But you don't know whether any of your ancestors did these things? A No sir.

Q You claim through your mother, Margaret? A Yes sir.

Q Her maiden name was--? A Marlow.

Q What was her father's name? A William Marlow.

Q He had Choctaw blood? A Yes sir.

Q He claimed through which parent? A His mother.

Q What was her maiden name? A Her maiden name was Margaret Patterson.

Q She had Indian blood? A Yes sir.

Q She claimed through--? A Her mother; no, her father, John Patterson.

Q How much did he have of Indian blood? A He was full-blood.

Q What evidence have you that he was full-blood Choctaw? A Just what the connections had told me.

Q Members of the family? A Yes sir.

Q It is family history, is it? A Yes sir.

Q Have you any other proof than that? A No sir.

Q Have you any proof of the marriage of your father and mother? A No sir.

Q You can get that can't you? A Yes sir.

Q If given reasonable time? A Yes sir.

Q Now if John Patterson was full-blood how much was his daughter? A Half.

Q How much was her son? A One quarter.

Q And his name was what? A William Stobaugh.

Q His daughter's name was what? A Margaret Stobaugh.

Q That's your mother? A Yes sir.

Q She has--? A An eighth.

Q And you are? A A sixteenth.

Q What proof have you that that descent from John Patterson down to you is correct? A My family records; have you any bible records anything that has been told you in your family? A That's all.

Q Can you get the testimony of any neighbors who knew John Patterson or his son or any of your ancestors; testimony or affidavits of anybody who knew them back in a direct line? A I don't know.

Q You have had some other relatives apply here for identification have you? A Yes, in 1896.

Q They went before the Court? A Yes, sir, and the Dawes Commission.

Q And they were rejected? A Some got there.

Q Claiming through this same common ancestor? A Yes sir.

Q What are the names of some of these claimants, do you know?

A Grath Marlow is one and Maria Colwell is another.

Q Any others? A Epsie Underwood; she was a sister to Grath Marlow.

Q Any others? A Jane Myers.

Q They were admitted by decree of United States Court? A The Underwoods was by Court and the Myers was; and the Marlows and Colwells through the Dawes Commission.

Q What relation are these people to you? A They are my mother's uncles and aunts.

Q They appeared before the Commission under Act of June 10, didn't they, as Choctaws by blood? A Yes sir.

- Q They didn't appear as Mississippi Choctaws? A No sir.
- Q You are now making this claim on a different ground, are you? They claimed as Choctaw by blood; they had to make application within three months after June 10, 1896 as Choctaws by blood. You now make application as a Mississippi Choctaw and are not excluded from making application because there was a special provision. It is the 21 section of the Curtis Act which now gives you a right to come before the Commission and make this application; you are claiming now through that, aren't you? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know.
- Q Did they ever any of them go to Choctaw Nation Indian Territory with the other Indians from Mississippi or Alabama between 1833 to 1838? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 tell the United States Indian agent to the Choctaws in Mississippi that they intended to live in Mississippi and take land there? A I don't know.
- Q Never heard that? A No sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government under article fourteen of the treaty of 1830? A I don't know.
- Q Did they claim or receive any benefits of any kind under any other article of the treaty than article fourteen or under the supplement to the treaty of 1830? A I don't know.
- Q You don't know of any ancestor who lived in Mississippi? Nothing only this only my great grandmother told me that she remembered when her father died, when she was small that her father sailed down the Mississippi River; she told me this always.
- Q What was this great-grandmother's name? A Mary Marlow which was Patterson.
- Q But you don't know whether he stopped in Mississippi or not? A No sir, that's proven.
- Q That he lived in Mississippi, in that vicinity, you mean? A Yes sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent Col. Ward was requested to make a list of the names of all Mississippi Choctaw claimants who came to him within six months after the treaty of 1830 was ratified and told him that they wanted to take land in Mississippi and live there and become citizens of the United States. Col. Ward was negligent in the discharge of his duty and for some reason known only to himself he failed to record the names of a great many Choctaw Indians who went before him within the time limited under article fourteen of the treaty and did declare their intention to take land in Mississippi and live there. His neglect caused the land to be taken away from many of the Indians upon which lands they had improvements and the Government sold both the land and improvements at its Public Land Sale. This was a hardship and caused much distress and many complaints among the Indians so that in 1837 a Commission was appointed by Act of Congress of approved March 3, 1837, and this Commission went to the State of Mississippi and heard a great many claimants under article fourteen of the treaty. In 1842 another Commission was appointed for the same purpose and they heard a great many claimants under article fourteen and the two Commissions made lists of the successful claimants under article fourteen.

Q Did any of your ancestors go before either of these two Commissions and claim rights under that article of that treaty, do you know? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw claimant who appeared before it had proved his claim and his land had been previously taken from him that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas; and that certificates should be given him; these certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government--? A I don't know.

Q Have you any documentary evidence you want to give me now in support of this claim? Any papers of any kind? A No sir.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of this claim; also time for the introduction of proof of the marriage of her father and mother.

Q You don't speak or understand the Choctaw language? A No sir

Q Is there anything further you want to say about this case? Anything you can think of? A Nothing unless it will be necessary. We have witness to prove that we are descended or related to these people.

Q William C. Stebaugh. That's your brother? A Yes sir. but my uncle is to prove that we are related to these people.

Q Well, if there are any witnesses to be produced later they will be heard.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, dark complexion brown hair. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 12 day of November, 1901.

Clara Mitchell Wood

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the Application of Mary Ann Strobaugh for enrollment as citizens by blood of the Choctaw Nation.

George M. Strobaugh, appeared before the Commission at Atoka, Indian Territory, June 5th, 1900, and from his oral testimony at that time given on behalf of his claim for enrollment of his children, Mary Ann, Ula Ethel, Herman D., Ananias G., Ida Precilla and Alva Daniel Strobaugh, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case, that these children claim their right to enrollment as citizens by blood of the Choctaw Nation by virtue of the fact that their mother, Mary Strobaugh, formerly Margaret Marlow, being a Choctaw Indian but it does not appear that her name was on any of the rolls of the Choctaw Nation nor that these children had ever been admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of that Nation or by the Commission to the Five Civilized Tribes or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities of the Choctaw Nation or from the decision of this Commission.

It also appears from the evidence that these children did not remove to the Indian Territory until December 12th 1895.

It is therefore the judgment of the Commission that the application for enrollment of Mary Ann, Ula Ethel, Herman D., Ananias G., Ida Precilla and Alva Daniel Strobaugh as citizens by blood of the Choctaw Nation, be and the same is hereby refused for the reason that their names are not on any of the authenticated rolls of the Choctaw Nation in the possession of this Commission nor have they been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of the Choctaw Nation or by the Commission to

- 2 -

the Five Civilized Tribes, acting under the act of Congress of June 20th, 1900; or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission, and for the further reason that they had not removed to and in good faith settled in the Indian Territory prior to June 20th, 1900.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, August 28th, 1900.

Muskogee, Indian Territory, September 15, 1900.

Mary Ann Stobaugh,

care George M. Stobaugh,

Waupanuoka, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 11th instant, in which you request that your own application and the application on behalf of your brothers and sisters for enrollment as citizens by blood of the Choctaw Nation, be forwarded to the Secretary of the Interior for his action.

Your request has been made a matter of record and will, together with the other papers in your case, be forwarded to the Secretary of the Interior for his consideration when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

In reply please
refer to 7-R-499

Muskogee, Indian Territory, November 1, 1901.

J. E. Arnold,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, with which you inclose marriage certificate between G. W. Stobaugh and Margaret Marlow, which you offer for filing in support of the application for identification as Mississippi Choctaws made by George W. Stobaugh for his minor children, Rula N. Stobaugh, et al. The same has been duly filed with the record in this case.

Yours truly,

Acting Chairman.

MC 3716

COPY.

M. C. R. 3716

Muskogee, Indian Territory, December 4, 1902.

Rosie L. Stebaugh,

Vapanucka, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James White, et al., embracing the following applications for identification as Mississippi Choctaws:

James White,	M. C. R. 7
Eula E. Stebaugh, et al.,	M. C. R. 3716
William C. Stebaugh,	M. C. R. 3717
Rosie L. Stebaugh,	M. C. R. 3718
Margaret E. Hale, et al.,	M. C. R. 1464

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James White, Eula E. Stebaugh, Herman D. Stebaugh, George A. Stebaugh, Ida F. Stebaugh, Alva D. Stebaugh, William C. Stebaugh,

R L S 2.

Nesia L. Stebbagh, Margaret E. Hale, Beulah Glover, Ola Glover and Floyd Hale as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

James D. ...

Acting Chairman.

Registered.

COPY

Washago, Indian Territory, March 21, 1903.

Rosie L. Stobaugh,

Wapanucka, Indian Territory.

Dear Madam:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James White, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED).

James Birby
Chairman.

1 William Chesley Stobaugh }
 2 Rosa Lee Stobaugh } Over 21.
 3 Mary Ann Stobaugh
 4 Elsie Ethel Stobaugh
 5 Herman Bailey Stobaugh
 6 Annanias G. Stobaugh
 7 Ida Rebecca Stobaugh
 8 Alva Hanniel Stobaugh

No. 3716

For Identification as a Mississippi Choctaw.

Date OCT - 1901

Name George M. Stotbaugh,
for minor child
Age 53 Blood WHITE

Post Office, Wapanucka, I.T.

Father: Geo. M. Stotbaugh d.

Mother: Margaret " 1/8 d.

Chedon
Claims through mother
father of Margaret Stotbaugh
William Marlow (d)
mother
Margaret
Ann Marlow (d)

Children: Eula E. Stotbaugh 1/16

Bessie K. " 1/16 13

George A. " 1/16 11

Ida P. " 1/16 8

Alva K. " 1/16 6

Claims for
his children.

Stenographer H. G. Davis.

No. 3718

For Identification as a Mississippi Choctaw.

Date OCT -9 1901

Name Rosia L. Stobaugh -

Age 22 - Blood 1/16

Post Office, Wapamoka I.T.

Father: George M. Stobaugh

Mother: Margaret " d

Claims through mother, 1/8

~~ended~~

Claims for self
done

Stenographer W.G. Kearns

Choctaw MCR 3719

Joseph E. Denpree

See MCR 3720

MCR 3719

**DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 20, 1901.**

TESTIMONY OF CHARLES WHITE

In the matter of the application of Joseph E. Dupree et al. for identification as Mississippi Choctaws heard at Atoka, I.T. October 10, 1901. M.C.R. 3719

In the matter of the application of Belle Stamps et al. for identification as Mississippi Choctaws heard at Atoka, I.T. October 10, 1901. M.C.R. 3720

In the matter of the application of Amelia Newden for identification as a Mississippi Choctaw heard at Atoka, I.T. October 10, 1901. M.C.R. 3721

In the matter of the application of Bert Wofford for identification as a Mississippi Choctaw heard at Atoka, I.T. October 10, 1901. M.C.R. 3722

In the matter of the application of William J. Wofford et al. for identification as Mississippi Choctaws heard at Atoka, I.T. October 10, 1901. M.C.R. 3723

In the matter of the application of Grace E. Ridings for identification as a Mississippi Choctaw heard at Atoka, I.T. October 10, 1901. M.C.R. 3724

In the matter of the application of Ida Dupree for identification as a Mississippi Choctaw heard at Atoka, I.T. October 10, 1901. M.C.R. 3725

Charles White being duly sworn testified as follows as a witness in these cases:

Examination by the Commission:

- Q What is your name? A Charles White.
Q Where do you live, Mr. White? A I am now living about eight miles West of here.
Q In the Choctaw Nation? A Yes sir; I was raised here.
Q What is your age? A I am sixty three.
Q What is your occupation? A Blacksmith.
Q How long have you lived here in the Choctaw Nation? A I have lived here in the Choctaw Nation about seven or eight years, but I lived down East of Durant

Q Where did you live before that? A I lived down South of Durant now my home is East of Durant.

Q Where did you live before you came to the Choctaw Nation? A In Texas.

Q Did you always live in Texas? A No sir; I was born in Alabama.

Q How old were you when you left Alabama? A I don't know; I disappeared at seven or eight years old, I think.

Q You claim Indian blood, yourself? A No sir, I don't think there is any Indian blood in me.

Q Do you know Joseph E. Deupree? A Yes sir.

Q What do you know about his being a descendant of Andrew Wofford? A Why his father married one of the Woffords.

Q And was his wife the daughter of Andrew Wofford? A I think so; yes.

Q Do you know Belle Stimpson? A Yes; I am partly acquainted with her.

Q Do you know if she is descended from Andrew Wofford? A Yes, she is a sister of Mr. Deupree.

Q Do you know Amelia Bowden? A Yes, that's Tom and Doll Wofford's sister.

Q What relation is Amelia Bowden to Belle Stimpson and Joseph E. Deupree? A Cousins; I don't know for sure; I don't know.

Q Bert Wofford- do you know him? A Yes sir.

Q What relation is he to Andrew Wofford, the common ancestor here? A Grandson.

Q Do you know his father's name? A Tom Wofford.

Q And his father's name was what? A Andrew.

Q Do you know William J. Wofford? A Yes sir.

Q What relation was he to Andrew Wofford? A Grand son.

Q Do you know his father's name? A Thomas Wofford.

Q Do you know Grace Ridings? A This young lady here? I don't know that I do; you see I left that country a good while ago and I am not acquainted with the younger people except the last seven or eight years.

Q You know Ida Deupree here? A I am not acquainted with the young ones that a way.

Q They have testified that their father's name was Joseph E. Deupree. A I am well acquainted with him.

Q What relation is Joseph E. Deupree their father to Andrew Wofford? (No answer.)

Q Joseph E. Deupree married Amelia Wofford; what relation is Amelia to Andrew Wofford? A She is a sister to Tom and Doll; she is a daughter of his.

Q Do you know who Andrew Wofford's father was? A Don't remember

Q How much Choctaw blood did Andrew Wofford have? A I suppose from the looks of him he was about a quarter.

Q How did he look? A Pretty dark; hair black and coarse and straight; his eyes was black and rather large; complexion dark, and he had very high cheek bones; hair- and tolerably broad forehead.

Q You have seen a good many Choctaw Indians? A Yes sir.

Q Did he look like part Choctaw Indians as you have seen them? A Yes sir.

Q Didn't look like a full blood? A No sir.

Q Do you know whether he ever came from Mississippi or Alabama or not? A Yes sir; he did.

Q Do you know whether he lived in Mississippi or Alabama; when did he? (No answer.)

Q Did he live in Mississippi in 1830? A Well, I don't know anything about that any more than what I have heard my father say. I think they used to live in Alabama before I was born there on the Warrior River in Alabama or the Tombigbee.

Q Did they ever have any land in Mississippi or Alabama? A They had some property or land there but I don't know what they ever done with it.

Q Do you know where they got it? A I suppose- my idea is that they was admitted to take land there if they chose not to take land out here.

Q Do you know anything about that of your own personal knowledge? A No only what my father and Tom Wofford told me.

Q What did he tell you about that? A He told me that he never got anything much for his land somehow; they had picked it up and never received much for it.

Q What do you know about Andrew and John Wofford's having gone to the Indian agent there in Mississippi and having told him that they wanted to take land there and become citizens of the State? What, did you ever hear them say that? A I have heard Tom say that they thought they would remain there.

Q Did you hear Tom say that they went to the Indian agent in Mississippi? A No sir. You see that's somewhere's in about '57

Q That's after he came to the Territory- A No, I am mistaken, I believe he has been living ever in Texas; I know he did a while before he died.

Q What opportunity did you have of knowing Andrew Wofford? Did you live in the same community with him in Alabama? A Well, they used to come over and visit a place to trade and my father used to trade there when he lived there and I would go to town with them and see them.

Q You saw him about how often? A About two or three times a year.

Q Not oftener than that? A No; I don't remember.

Q You were not intimately acquainted with him then? A No sir; only from that.

Q He was an older man than you-, Andrew? A Yes sir.

Q How much older than you? A May be twenty or twenty five years older; seemed to be about as old as my father.

Q And you were a young fellow? A About eight or ten.

Q How long did you know him altogether? A About two years.

Q These people- did you get acquainted with them? A Mostly all, but the young people; I got acquainted with them in Texas.

Q You didn't know them in Alabama? A I don't remember; I remember of them being there, I remember Tom Wofford as being there, but I don't remember how many there was or anything about it. It has been a long time ago and I don't remember; my father was a blacksmith by trade and he used to work for the Woffords and other parties.

Q Do you remember whether they complied with the provisions of the fourteenth article of the treaty of 1830? A No, sir, never heard anything about that.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes therein.

Henry G. Hains

Subscribed and sworn to before me this 14th day of November, 1901.

Clara Mitchell Head
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. October 10, 1901.

3719

In the matter of the application of Joseph E. Deupree Jr for the identification of himself and his two minor children Clyde, and Roy Deupree as Mississippi Choctaws.

Not represented by attorney.

Joseph E. Deupree Jr. being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph E. Deupree Jr.
Q What is your age? A Twenty-seven years the 28th of November.
Q What is your post-office address? A Sterrett, Indian Territory.
Q Where were you born? A In Fannin County Texas.
Q When did you leave Texas? A I think it has been ten years this last May.
Q You lived in Texas all your life until you came to the Territory? A Yes sir.
Q And lived in Sterrett all the time since you came here? A No since that time I lived three years in Southern Texas and then came back.
Q What years were you in Southern Texas? A I lived there in '97 '98 and '99.
Q You have been here how many years? A Ten years.
Q Since you came from Texas? A No not the last time, only two years.
Q In what Nation? A Choctaw Nation.
Q What is your father's name? A Joseph E. Deupree.
Q Is he living? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Amelia Deupree.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Zodie Deupree.
Q How do you spell that? A Z-o-d-i-e.
Q She is Indian or a white woman? A No a white woman.
Q You make any claim for her? A No.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes two.
Q What is the name of the eldest? A Clyde.
Q How old is Clyde? A He is five years old.
Q Next? A Roy.
Q How old is Roy? A He is two years old.
Q Is Zodiethernahst of these children? A Yes sir.
Q Thuyakava with you at your home? A Yes sir.

- Q When and where were you married to your wife Edie? A In Denison Texas, December 28th 1894.
- Q Were you married under a license? A Yes sir.
- Q By a minister? A Yes sir.
- Q Have you that license with you? A I have a marriage certificate here I would like to have you make a copy of and let me have the original.
- Q You will have to have that done and have it certified to and present it here? A I will do it Yes.
- Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation Indian Territory? A No sir.
- Q Did you ever make application for yourself or your minor children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Did you ever make application for yourself and your minor children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of June 18th 1896? A No sir.
- Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Gov't in Indian Territory? A No sir.
- Q This is the first application of any kind that you have ever made to any authority to have either yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified, yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q You think you understand that article? A I do.
- Q Do you care to have it explained? A No sir I have read it over and understand it.
- Q I will read it:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey,; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of that treaty? A I don't know.
- Q What is the name of your ancestor or ancestors who lived in Mississippi in 1830? A Why I don't know whether they lived there in Mississippi in 1830 or whether they came from Alabama. My grandfather's name was Andrew Wafford he died in Alabama.
- Q He never lived in Mississippi? A I understood he moved from Mississippi to Alabama.
- Q You claim through your mother? A Yes sir.
- Q And she claimed through which parent father or mother? A Through her father.

- Q His name was what? A Andrew Wafford.
- Q Now what do you know about him having lived in Mississippi or Alabama in 1830? A I don't know anything about it.
- Q Who did he claim through? A I think his father, that is only hearsay.
- Q Your mother is dead? A Yes sir.
- Q When did she die? A She died in '53.
- Q How old was she when she died? A Thirty-two.
- Q She could not have lived in 1830? A My mother, No sir.
- Q Where was she born? A In Alabama, that is my understanding that she was born there. She came to Texas when she was small.
- Qx Do you know when Andrew Wafford died and where he died? A In Alabama.
- Q You know when? A No sir.
- Q You know his age when he died? A No sir.
- Q You know when his father died? A No sir.
- Q You are unable to fix the time of your ancestors living in Mississippi or Alabama? A I don't know, I could if I had the old family record. I don't see why in the world I didn't bring it.
- Q Did any of your ancestors to your knowledge own any improvements on land in Mississippi or Alabama in 1830 or at any time before that? A No sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1838? A The came from Alabama to the Indian Territory in the early fifties.
- Q Did they come with a lot of other Indians or by themselves? A I don't know how they came.
- Q Between 1833 and 1838 the government the government removed them at government expense. Do you know whether they came at government expense or at their own expense? A I don't know that.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent and tell him that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the government under article fourteen of the treaty of 1830? A I don't know.
- Q Did they ever claim or receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know whether they did or not.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent Colonel Ward was instructed by the government to make a list of all the Choctaw claimants who claimed land under article fourteen of the treaty if they made these claims within six months from the ratification of this treaty. He neglected to make a complete list of all names of Choctaw Indians who did appear before him within six months from the ratification of said treaty, and left off his list the names of hundreds and perhaps thousands of names that should have been placed on it. This neglect on his part caused the Indians who occupied lands in Mississippi and Alabama to lose their land and it was taken from them by the government and sold at the public land sales. This caused a great deal of complaint on the part of the Choctaw Indians, so that in 1837 a Commission was appointed by Congress under act of Congress of March 3, 1837. This Commission went to the State of Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed for the same purpose. Both of these Commissions made lists of successful claimants under article fourteen of the treaty of 1830.

- Q Do the names of any of your ancestors appear upon either of these lists to your knowledge? A Not that I knew of.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him, he should be entitled to select land elsewhere in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands, and, that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A Yes sir not that I know of.
Q Have you any documentary evidence that you want to introduce now? A Yes I have some affidavits and my mother's and father's marriage certificate that I want to file.

Marriage certificate between Joseph E. Deupree, father of this applicant, and R. A. Woffard presented by the applicant, marked exhibit "A" filed and made a part of the record in this case.

- Q Is this R. A. Woffard as it appears in this marriage certificate the same as Amelia Wafford who you stated was your mother? A Yes sir that is my mother.

The affidavit of Josephine Slagle presented by this applicant marked exhibit "B" filed and made a part of the record in this case.

The affidavit of G. H. Slagle presented by this applicant, marked exhibit "C" filed and made a part of the record in this case.

Affidavit of W. A. Meyers presented by the applicant marked exhibit "D" filed and made a part of the record in this case.

The affidavit of John Albertsen presented by this applicant marked exhibit "E" filed and made a part of the record in this case.

Affidavit of John Lewis presented by this applicant marked exhibit "F" filed and made a part of the record in this case.

- Q Then you will introduce a certified copy of the marriage license of your marriage? A Yes sir.

You will be allowed a reasonable time in which to file other documentary evidence.

- Q You don't speak Choctaw? A No sir.
Q You understand it? A No sir.

The applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, light complexion and light hair. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as

...of the
... ..
... ..
... ..
... ..

G. Rosauwink

Subscribed and sworn to before me this 20th day of November 1901.

Charles W. ...
Notary Public.

COPY.

M.C.R. 3719

Muskogee, Indian Territory, August 30, 1902

Joseph E. Deupree, Jr.,

Sterrett, Indian Territory,

Dear Sir:

You are hereby advised that on the 30th day of August 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Belle Stimpson, et al., embracing the following applications for identification as Mississippi Choctaws:

Belle Stimpson, et al.,	M.C.R. 3720
Joseph E. Deupree, Jr. et al.,	M.C.R. 3719
Grace G. Ridings,	M.C.R. 3724
Ida Deupree,	M.C.R. 3725
Bert Wofford,	M.C.R. 3722
William J. Wofford, et al.,	M.C.R. 3723
Amelia Bowden, et al.,	M.C.R. 3721

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Belle Stimpson, Thomas Clarence Stimpson, Claude Deupree Stimpson, Stanley Clifton Stimpson, Willie Ray Stimpson, Joseph R. Deupree, Jr., Clyde Deupree, Roy Deupree, Grace G. Ridings, Ida Deupree, Bert Wofford, William J. Wofford, Lillian Wofford,

J.E.D. #2

Amelia Bowden and William D. Bowden as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(S. C. 183)

James D. Webb

Acting Chairman.

Registered.

M.C.R. 3719

COPY:

Muskegee, Indian Territory, March 31, 1903.

Joseph E. Dupree, Jr.,

Sterrett, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of March 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Belle Stimpson et al., of which decision you were advised by registered mail on the 30th day of August, 1903.

Respectfully,

Tams Birney
Chairman.

No. 3719

For Identification as a Mississippi Choctaw.

Date OCT 10 1901 —

Name Joseph C. Vempree

Age 27 — Blood $\frac{1}{8}$

Post Office, Sterrett, I. T.

Father: Joseph C. Vempree, I.

Mother: Amelia " d.

Claims through mother —
wife — Lodie — w.
No claim for wife —

Children:

(boy)
Clyde Vempree, 5
Roy — " 2

Claims for self
& children —

Stenographer G. Rounwinski

Choctaw MCR 3720

Belle Simpson

See MCR 3719, 3724, 3725
3722, 3723, 3721

MCR 3720

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Belle Stimpson, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Belle Stimpson, et al.,	M C R 3720
Joseph E. Deupree, Jr. et al.,	" 3719
Grace G. Hildings,	" 3724
Ida Deupree,	" 3725
Bert Wofford,	" 3722
William J. Wofford, et al.,	" 3723
Amelia Bowden, et al.,	" 3721

List of papers forwarded to the Secretary of the Interior
 comprising the record in the consolidated case
 of Belle Stimpson, et al.

Original application of Belle Stimpson,
 et al., to the Dawes Commission for
 identification as Mississippi Choctaws.....1

Sworn petition of Belle Stimpson, addressed
 to the Commission to the Five Civilized Tribes,
 for identification as Mississippi Choctaws..... 5

Certified copy of certificate of T. F. Gray,
 Clerk of the County Court, Fannin County,
 Texas, to the effect that a marriage license
 was on February 7, 1889, issued to Joseph Deupree
 and Miss R. A. Wofford, and that due return
 was made to that office..... 7

Certified copy of an ex parte affidavit of Jesse-
 phine Slagle..... 8

Certified copy of affidavit
 of G. H. Slagle.....9

Certified copy of ex parte affidavit of W. A. Myers.....	10
Certified copy of affidavit of John Albertson.....	11
Certified copy of affidavit of John Lewis.....	12
Original application of Joseph E. Deupree, Jr., to al., to the Dawes Commission for identifi- cation as Mississippi Choctaws.....	13
Testimony of Charles White, taken before the Commission, Atoka, October 10, 1901..	18
Marriage license of Joseph Deupree and Miss R. A. Wofford.....	21
Certified copy of marriage certificate held by Mr. and Mrs. Joseph E. Deupree.....	22
Ex parte affidavit of Josephine Slagle.....	23
Ex Parte affidavit of G. H. Slagle.....	24
Ex parte affidavit of W. A. Myers.....	25
Ex parte affidavit of John Albertson.....	26
Ex parte affidavit of John Lewis.....	27
Original application of Grace G. Ridings to the Dawes Commission for identifica- tion as a Mississippi Choctaw.....	28
Petition of Grace G. Ridings, addressed to the Commission to the Five Civilized Tribes.....	31
Certified copy of ex parte affidavit of John Lewis.....	34
Certified copy of ex parte affidavit of John Albertson.....	36
Certified copy of affidavit of W. A. Myers.....	36
Certified copy of ex parte affidavit of G. H. Slagle.....	37
Certified copy of ex parte affidavit of Josephine Slagle.....	38
Certified copy of marriage record between Joseph E. Deupree and Miss R. A. Wofford.....	39

Original application of Ida Deupree, to the Dawes Commission for identifi- cation as a Mississippi Choctaw.....	40
Petition of Ida Deupree for identification as a Mississippi Choctaw, addressed to the Commission to the Five Civilized Tribes.....	44
Certified copy of marriage record between Joseph E. Deupree and Miss R. A. Wofford.....	45
Certified copy of ex parte affidavit of Josephine Slagle.....	46
Certified copy of affidavit of G. H. Slagle.....	47
Certified copy of ex parte affidavit of W. A. Myers.....	48
Certified copy of John Albertson's ex parte affidavit.....	49
Certified copy of ex parte affidavit of John Lewis.....	50
Original application of Bert Wofford for identification as a Mississippi Choctaw.....	51
Sworn petition of Bert Wofford, addressed to the Commission to the Five Civilized Tribes.....	55
Certified copy of ex parte affidavit of Josephine Slagle.....	56
Certified copy of ex parte affidavit of G. H. Slagle.....	57
Certified copy of ex parte affidavit of W. A. Myers.....	58
Certified copy of ex parte affidavit of John Albertson.....	59
Certified copy of ex parte affidavit of John Lewis.....	60
Original application of William J. Wofford et al., to the Dawes Commission for iden- tification as Mississippi Choctaws.....	61
Petition of William J. Wofford, addressed to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws.....	65
Certified copy of ex parte affidavit of Josephine Slagle.....	66

Certified copy of affidavit of G. H. Slagle.....	67
Certified copy of ex parte affidavit of W. A. Myers.....	68
Certified copy of ex parte affidavit of John Albertson.....	69
Certified copy of ex parte affidavit of John Lewis.....	70
Original application of Amalia Bowden, et al., for identification as Mississippi Choctaws.....	71
Sworn petition of Amalia Bowden addressed to the Commission to the Five Civilized Tribes....	75
Certified copy of ex parte affidavit of Josephine Slagle.....	76
Certified copy of ex parte affidavit of G. H. Slagle.....	77
Certified copy of ex parte affidavit of John Albertson.....	78
Certified copy of affidavit of John Lewis.....	79
Decision of the Commission refusing the applications in the consolidated case of Belle Stimpson, et al., applicants for identification as Mississippi Choctaws.....	80.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 10, 1901.

3720

In the matter of the application for identification as Mississippi Choctaws of Belle Stimpson and her four minor children Thomas Clarence, Claude Deupree, Stanley Clifton and Willie Ray Stimpson.

Applicant not represented by attorney.

Belle Stimpson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Belle Stimpson.
Q What is your age? A Thirty-two.
Q What is your post-office address? A Doniphan, Texas.
Q How long have you lived there? A We have only been at Doniphan one year but we have lived in the Territory for ten years until this year.
Q Where did you live in the Territory? A At Sterrett.
Q In what Nation? A Choctaw Nation.
Q Before that you lived where? A In Texas.
Q Were you born in Texas? A Yes sir.
Q What place? A Fannin County.
Q What is your father's name? A Joseph E. Deupree.
Q Is he living? A Yes sir.
Qx He has never appeared here for identification? A No sir.
Q Is this your brother, Joseph E. Deupree Jr who has just appeared? A Yes sir.
Q And you want his testimony considered with yours do you? A Yes sir.
Q What is your mother's name? A Amelia Wafford.
Q Is she dead? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A I claim one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A T. P. Stimpson.
Q Is he an Indian? A No sir.
Q A white man? A Yes sir.
Q You claim for him? A No sir I reckon not.
Q Give me the names of your children? A Thomas Clarence Stimpson.
Q How old is Thomas Clarence Stimpson? A He will be sixteen in November.
Q The next child? A Claude Deupree Stimpson.
Q How old is he? A Fourteen.
Q What is the name of the next? A Stanley Clifton.
Q How old is he? A He is twelve, no he is not but eleven.
Q What is the name of the next? A Willie Ray Stimpson.
Q How old? A Two years in January.
Q You claim for yourself and these children? A Yes sir.
Q When and where were you married to your husband? A In Fannin County, Texas.

- Q When were you married to him? A In '84.
 Q What day of the month? A 7th day of December.
 Q By a minister? A Yes sir.
 Q These children are all living with you? A Yes sir.
 Q And T. P. Stimpson is the father of these children? A Yes sir.
 Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Did you ever make application for yourself and children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Did you ever make application to the Dawes Commission for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities? A No sir.
 Q Were you or your children ever admitted to citizenship in the Choctaw Nation, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Did you ever make application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities for yourself and children? A No sir.
 Q Do you now come before the Commission for the purpose of being identified and for the purpose of having your children identified as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that treaty? A Yes sir.
 Q You do not care to have the article explained? A No sir I think I thoroughly understand.
 Q I will just read it in order that it may go in the record.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this article? A Not that I know of.
 Q What is the name of your ancestor through whom you claim your Choctaw blood? A Andrew Wafford.
 Q Did he live in Mississippi or Alabama in 1830? A I don't know he came from there before the War.
 Q You claim through your mother? A Yes sir.
 Q Her maiden name was what? A Wafford.
 Q Did she have any other name than that? A Rebecca Amelia Wafford was her full name.
 Q In her marriage license it is given R. A. Wafford but that is supposed to be Amelia? A Yes that is the same person my mother.
 Q She claimed through her father or mother? A Her father Andrew Wafford.
 Q He claimed through who? A His father I suppose.
 Q You don't know about that? A No sir.

- Q You know what his name was? A John Wafford.
- Q Do you know whether he or Andrew Wafford lived in Mississippi in 1830? A I don't know.
- Q Do you know when Andrew Wafford died? A In Alabama but I don't know when.
- Q What place in Alabama? A It was close to Mississippi.
- Q How old was he when he died do you know? A I don't know that. we get it from the old Wafford record.
- Q Have you evidence of the marriage of your father and mother? A Yes sir.
- Q Have you it here with you? A Yes sir. My brother has it.
- Q You want to file it in your case, you can get a certified copy? A Yes sir.
- Q Do you know, you say you cannot tell me anything about the age or death of Andrew Wafford or his father John? A No sir.
- Q Have you any evidence of any kind aside from your own statement that he was a Choctaw Indian and lived in Alabama? A No only that we have been told so.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A Well I don't know, I am satisfied that they did own property there.
- Q You know about that? A I could not swear to it but I could find out.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Choctaw Indians between 1833 and 1838? A My uncle did.
- Q I mean your ancestors? A I don't know.
- Q What is the name of your uncle who went? A John Wafford. I don't know that he came to the Territory.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi and take land there or in Alabama? A Not that I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama in 1830 under article fourteen of that treaty? A No that I know of.
- Q Did they receive or claim any benefits under any other article than article fourteen of the treaty of 1830 or under the supplement of that treaty? A No sir not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Indian Agent in Mississippi to register the names of all the Choctaws who desired to remain there and become citizens of the United States. The records of the government show that this Agent failed to record the names of many Choctaws who really did signify to him their intentions of remaining in Mississippi and taking advantage of article fourteen of the treaty of Dancing Rabbit Creek. As the result of this neglect on his part many Indians who owned land had their land sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaw Indians so that in 1837 by act of Congress approved March 3, 1837 a Commission was appointed to go to Mississippi and hear claimants under article fourteen of the treaty who had not received land thereunder after they had complied fully with the provisions of it. In 1842 another Commission was appointed for the same purpose.

- Q Did any of your ancestors ever appear before either of these Commissions that of 1837 or the Commission of 1842 and claim rights under article fourteen of the treaty? A Not that I know of.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him he should be entitled to select land elsewhere either in Mississippi, Louisiana, Alabama or Arkansas, and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A Not that I know of.
 Q Have you any documentary evidence that you want to file now? A I reckon not my brother filed them all.
 Q You must file your own papers, certified copies of them will do

A reasonable time will be allowed this applicant in which to file documentary evidence in support of her application, also proof of the marriage of her father and mother.

- Q Do you speak Choctaw? A No sir.
 Q Is there anything more that you want to say that you can think off? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, light hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 10th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 30th day of November 1901.

Charles Mitchell Wood
 Notary Public.

D. W. L.
C. W. W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

))))-((((

In the matter of the application of Belle Stimpson, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Belle Stimpson, et al.,	M C R 3720
Joseph E. Deupree, Jr. et al.,	" 3719
Grace O. Ridings,	" 3724
Ida Deupree,	" 3728
Bert Wofford,	" 3722
William J. Wofford, et al.,	" 3723
Amelia Bowden, et al.,	" 3721

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Belle Stimpson for herself and her four minor children, Thomas Clarence, Claude Deupree, Stanley Clifton and Willie Ray Stimpson; by Joseph E. Deupree, Jr., for himself and his two minor children, Clyde and Roy Deupree; by Grace O. Ridings for herself; by Ida Deupree for herself; by Bert Wofford for himself; by William J. Wofford for himself and his minor child, Lillian Wofford, and by Amelia Bowden for herself and her minor child, William D. Bowden under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one John Wafford (or Wafford), who is alleged to have been a full blood Choctaw Indian.

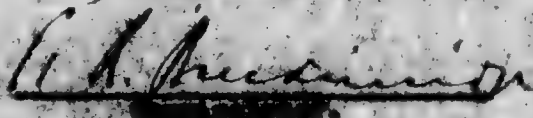
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Wafford (or Wafford), or an ancestor less remote, signified (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (6 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Belle Simpson, Thomas Clarence Simpson, Claude Dupree Simpson, Stanley Clifton Simpson, Willie Ray Simpson, Joseph E. Dupree, Jr., Clyde Dupree, Ray Dupree, Grace A. Hixings, Ida Dupree, Bert Vefford, William J. Vefford, Lillian Vefford, Amelia Housen and William E. Housen as Cheatar Indians entitled to rights in the Cheatar lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


J. H. Hixings.
Commissioner.


C. H. Harrison.
Commissioner.

Muskogee, Indian Territory.

AUG 30 1902

Muskogee, Indian Territory, December 13, 1901.

Bell Stimpson,

Doniphan, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of the tenth instant, in which you say that you have applied for identification as a Mississippi Choctaw; that you have lived in the Territory for ten years, until January 1901, when you moved to Texas to educate your children. You ask if it will be necessary for you to reside in the Territory in order to establish your claim.

In reply to your letter you are advised that it appears from our records that at Atoka, Indian Territory, October 10, 1901, you applied for identification for yourself and your minor children as Mississippi Choctaws. No decision has yet been reached or opinion rendered relative to your right to identification as such Mississippi Choctaws. Your status is merely that of an applicant for identification as a Mississippi Choctaw, whose rights have in no manner been passed upon by the Commission. When a decision is reached, you will be notified of any action taken by the Commission.

Relative to residence in the Indian Territory, the act of Congress of May 31, 1900, provides:

B.S. 2

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

Yours truly,

Commissioner in Charge.

MC 3720

COPY.

M.C.R. 3720

Muskogee, Indian Territory, August 30, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickashaw Nations,

South McAlester, Indian Territory,

Gentleman:

You are hereby advised that on the 30th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Belle Stimpson, et al., embracing the following applications for identification as Mississippi Choctaws:

Belle Stimpson, et al.,	M.C.R. 3720
Joseph E. Deupree, Jr. et al.,	M.C.R. 3719
Grace G. Ridings,	M.C.R. 3724
Ida Deupree,	M.C.R. 3728
Bert Wofford,	M.C.R. 3722
William J. Wofford, et al.,	M.C.R. 3723
Amelia Bowden, et al.,	M.C.R. 3721

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

M M & C. #2

Belle Stimpson, Thomas Clarence Stimpson, Claude Deupree Stimpson, Stanley Clifton Stimpson, Willie Ray Stimpson, Joseph E. Deupree, Jr., Clyde Deupree, Roy Deupree, Grace G. Ridings, Ida Deupree, Bert Wofford, William J. Wofford, Lillian Wofford, Amelia Bowden and William D. Bowden as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 3720

Muskogee, Indian Territory, August 30, 1902.

Belle Stimpson,

Doniphan, Texas.

Dear Madam:

You are hereby advised that on the 30th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Belle Stimpson, et al., embracing the following applications for identification as Mississippi Choctaws:

Belle Stimpson, et al.,	M.C.R. 3720
Joseph E. Deupree, Jr. et al.,	M.C.R. 3719
Grace G. Ridings,	M.C.R. 3724
Ida Deupree,	M.C.R. 3725
Bert Wofford,	M.C.R. 3722
William J. Wofford, et al.,	M.C.R. 3723
Amelia Newden, et al.,	M.C.R. 3721

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Belle Stimpson, Thomas Clarence Stimpson, Claude Deupree Stimpson, Stanley Clifton Stimpson, Willis Ray Stimpson, Joseph E. Deupree, Jr., Clyde Deupree, Roy Deupree, Grace G. Ridings, Ida Deupree,

#2
B.S.

Bert Wofford, William J. Wofford, Lillian Wofford, Amelia Bowden and William D. Bowden as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNATURE)

Acting Chairman.

Registered.

M.C.R.3720.

COPY.

Muskogee, Indian Territory, September 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Belle Stimpson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 30, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Belle Stimpson, et al.,	M.C.R.3720;
Joseph E. Dupree, Jr., et al.,	M.C.R.3719;
Grace G. Ridings,	M.C.R.3724;
Ida Dupree,	M.C.R.3725;
Hert Wofford,	M.C.R.3722;
William J. Wofford, et al.,	M.C.R.3723;
Amelia Bowden, et al.,	M.C.R.3721.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Subsequent to the rendition of the decision in this case, however, the following documents have been received:

Secretary 2.

Petition of Joseph E. Deupree, Jr.;

Depositions of Cuff Wofford and Cleve Wofford;

Affidavit of S. Watt Turner and W. M. Scrugge as to the
marriage of Andy Wofford and Miss Joe Woods;

Original marriage certificate between T. P. Stimpson and
Arabella Deupree.

These documents are forwarded to you herewith for consideration in connection with the record in this case.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure.

Muskogee, Indian Territory, September 9, 1902.

J. N. Deupree,

Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th ultimo, enclosing petition of Joseph N. Deupree, Jr., depositions of Cuff Woffard and Cleve Woffard, joint affidavit of S. Watt Turner and W. M. Scruggs, and original marriage certificate between T. B. Stimpson and Arabella Deupree, which you offer for filing in support of the claims of the several applicants in the consolidated Mississippi Choctaw case of Belle Stimpson et al. The same have been forwarded to the Secretary of the Interior for consideration in connection with the record in this consolidated case.

Yours truly,

Acting Chairman.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

Land
55923-1903.

March 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on August 30, 1902.

Belle Stimpson, for herself and her four minor children, Thomas Clarence, Claude Deupree, Stanley Clifton and Willie Ray Stimpson; Joseph E. Deupree, Jr., for himself and his two minor children, Clyde and Roy Deupree; Grace G. Ridings; Ida Deupree; Bert Wofford; William J. Wofford, for himself and his minor child, Millian Wofford; Amelia Bowden, for herself and her minor child William D. Bowden.

It is found, upon examination of the evidence in this case, that the applicants base their claim to identification upon their descent from Andrew Wafford and John Wafford, two brothers, who, it is alleged, were citizens of the Choctaw Nation and residents of Alabama of Mississippi in 1830.

The Commission makes its decision rejecting these applicants on the ground that its records do not show that John Wofford (or Wafford), or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office have been examined in reference to this case, and it is shown that the names of Andrew Wafford and John Wafford are not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is, therefore, recommended that the decision of the Commission be approved.

Very respectfully,

(signed)

A. C. TONNER.

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

J. W. H.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

D. C. 8444
I. T. D. 2808-1903.

FHE

L. R. S.

March 24, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 6, 1902, you transmitted the record in the consolidated case embracing the application for identification as Mississippi Choctaws of Belle Stimpson (M C R 3720) for herself and her four minor children, Thomas Clarence, Claude Deupree, Stanley Clifton and Willie Ray Stimpson; of Joseph E. Deupree, Jr., for himself and his two minor children, Clyde and Roy Deupree; of Grace G. Ridings for herself; of Ida Deupree for herself; of Bert Wofford for himself; of William J. Wofford for himself and his minor child, Lillian Wofford; and of Amelia Bowden for herself and her minor child, William D. Bowden, including your decision of August 30, 1902, refusing to identify them as such.

These applicants are the descendants in the third and fourth degrees of a full blood Choctaw named John Wofford. They trace their descent from him through two of his sons, viz: Andrew D. and John Wofford, Jr.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto, or that, by reason of their Choctaw blood, they are entitled to the benefits arising from the provisions contained in section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever, bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 11, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

(signed)

THOS RYAN.

1 inclosure.

Acting Secretary.

COPY.

Muskogee, Indian Territory, March 31, 1903.

Belle Stimpson,

Doniphan, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Belle Stimpson et al., of which decision you were advised by registered mail on the 30th day of August, 1902.

Respectfully,

(SIGNED)

Tams Dixby

Chairman.

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Belle Stimpson et al., of which decision you were advised by mail on the 30th day of August, 1902.

Respectfully,

Tams Dick

Chairman.

CARD NO.

NAME

RESIDENCE
DISTRICT

POST OFFICE

AGE SEX

REFER TO M. C. R. 3720

Beau Simpson
S. Cal.

F. Consolidated Card

John Wafford
or Wofford, succ

Andrew Wafford or
Wafford 1/2
wife
Thurston Perry

Rebecca Amelia Wafford
or Wofford, 1/2
mar
Joseph E. Dempree

Thomas Jefferson Wofford
wife
Hannah Wofford

Andrew W Wafford
doct
wife
Josephine Wafford
* Present name - Josephine Staley

Belle Dempree 32 1/8
mar.
J. P. Stimpson "

Joseph E Dempree Jr. 27 1/8
wife
Zadie Dempree "

Grace S. Dempree 22 1/8
mar
A. H. Kidding "

Ida Dempree 19 1/8

Bert Wofford 25 1/4
wife
Pearl Wofford "

William J. Wofford 20 1/2
wife
Myrtle Wofford "

Clavelia Wafford 27 1/2
mar
George E. Barden "

Thomas Clarence Stimpson 6
Claude Dempree Stimpson's
Stanley Clifton Stimpson 11
Nellie Ray Stimpson 2

Olay de Dempree 5
Ray Dempree "

Hessan Wofford 3

William D. Barden 15



For Identification as a Mississippi Choctaw.

Date OCT 10 1901

Name Belle Simpson

Age 32

Blood

1/8

Post Office, Doniphan, Texas.

Father: Joseph E. Kempree, Jr.

Mother: Amelia Kempree, d.

Claims through Mother

~~Husband~~ T. P. Simpson, w.

No claim for husband
shown as

Children: Clarence Simpson, 16

Claude R., " 14

Stanley C. " 12

Willie R. " 2

Claims for self
& children

Stenographer J. Rasmussen

Choctaw MCR 3721

Amelia Bowden

See MCR 3720

MCR 3721

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 10, 1901.

3721

In the matter of the application for identification as Mississippi Choctaws of Amelia Bowden and her minor son William D. Bowden.

Applicant not represented by attorney.

Amelia Bowden being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Amelia Bowden.
Q What is your age? A Twenty-seven.
Q What is your post-office address? A Direct Texas.
Q How long have you lived there? A Three years.
Q Where did you live before that? A In Pannin County, Texas.
Q Were you born in Texas? A Yes sir in Collin County, Texas.
Q And have always lived there? A Yes sir.
Q What is your father's name? A Andrew W. Wafford.
Q Is he living? A No sir he is dead? A
Q What is your mother's name? A Josephine.
Q Is she living? A Yes but she is married again.
Q What is her name now? A Slagle.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A George E. Bowden.
Q Is he a white man? A He is white.
Q You make a claim for him? A No sir.
Q Have you any children for whom you wish to make application at this time? A I have one.
Q What is the name? A William D. Bowden.
Q How old is he? A Five years old.
Q Is George E. Bowden the father of William D. Bowden? A Yes sir.
Q Is he living with you? A Yes sir.
Q When and where were you married to your husband? A In Pannin County in December '95.
Q What day of the month? A The 16th of December.
Q By a minister and under a license? A Yes sir.
Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for enrollment of yourself or your child as citizens of the Choctaw Nation by the Choctaw tribal authorities? A No sir.
Q Did you ever make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 16th 1900? A No sir. I have not.
Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the five Civilized Tribes or the United States Court in Indian Territory? A No sir.

- Q Have you ever before this time made application for yourself and child for enrollment as citizens of the Choctaw Nation to any authority whatever? A No sir.
- Q You come before the Commission at this time for the purpose of identifying yourself and your child as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes.
- Q You understand that article of the treaty? A Yes sir.
- Q You understand it pretty well? A Yes I heard it read and explained a great many times yesterday.
- Q The article itself will be read to you in order that you may have your memory refreshed and that it may be made a part of the record in your case.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the land of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You claim for yourself and child? A Yes sir.
- Q No one else? A No sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 as read to you? A Not that I know of.
- Q What is the name of your ancestors through whom you claim your Choctaw blood? A Andrew Wafford.
- Q You claim through the same common ancestor that Joseph E. Deupree Jr and Belle Stimpson claimed through? A Yes sir.
- Q What relation are they to you? A My own cousins.
- Q You want to have their testimony taken into consideration with yours and made a part of it? A Yes sir.
- Q You claim through your grandfather Andrew W. Wafford? A Yes sir.
- Q He claimed through whom? A Through his father.
- Q How do you know he was a part Choctaw Indian? A I have always been taught that, I don't know it.
- Q You claim one-eighth? A Yes sir.
- Q Your father had how much? A One-quarter.
- Q And his father how much? A One-half.
- Q Now what do you know about his having lived in Mississippi or Alabama in 1830? A I don't know anything about it.
- Q What have you ever heard in the family if anything? A I have not heard anything about that.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi in 1830? A No sir I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory between the years 1833 and 1838? A I don't know.

- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they wanted to stay in Mississippi and take land there or in Alabama and take land there? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did they ever claim or receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen the government directed an Indian Agent in Mississippi whose name was Colonel Ward to make a list of the names of all Choctaw Indians who went before him within six months after the treaty was ratified and told him that they wanted to stay and take land there and become citizens of the United States. He neglected to enroll the names of a great many Indians who came before him within the time limited in article fourteen and as the result of this neglect Ward's register contains the names of only a few of the many Indians who really did go before him and make such declarations to him. This led to many Indians losing their lands in Mississippi and Alabama which they had taken from them by the government, and the land was sold at the public land sales by the government. This caused a great many complaints on the part of the Indians so that in 1837 a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of the treaty. In 1842 another Commission was appointed for the same purpose which Commission went to the State of Mississippi and also heard claimants under article fourteen. Both of these Commission made lists of successful claimants who came before them.

- Q Did any of your Choctaw ancestors appear before either of these Commission that of 1837 or the Commission of 1842 and claim rights under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which scrip entitled them to ~~xxxxix~~ select land either in the States of Mississippi, Arkansas, Louisiana or Alabama issued to them by the government after they had proven their claims before the Commission of 1842? A Not that I know.
- Q Have you any documentary evidence that you want to introduce now in support of your claim? A I have a letter that I wrote for my mother and father's marriage certificate and the Court House had burned and I could not get it.
- Q You may prove the marriage of your father and mother in any way that you care to, as this cannot be introduced.
- Q Have you any other documentary evidence that you care to introduce? A No sir.

A reasonable time will be allowed this applicant in which to present documentary evidence in support of her application she makes for herself and her child

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything more that you want to say in support of your claim? A No sir I will get up these other papers if I can.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has dark complexion, dark hair and eyes. She does not understand the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 30th day of November 1901.

Chas. Mitchell Wood
Notary Public.

COPY. M.C.R. 3722

Muskogee, Indian Territory, August 30, 1902.

Amelia Bowden,
Direct, Texas.

Dear Madam:

You are hereby advised that on the 30th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Belle Stimpson, et al., embracing the following applications for identification as Mississippi Choctaws:

Belle Stimpson, et al.,	M.C.R. 3720
Joseph E. Deupree, Jr. et al.,	M.C.R. 3719
Grace G. Ridings,	M.C.R. 3724
Ida Deupree,	M.C.R. 3726
Bert Wofford,	M.C.R. 3722
William J. Wofford, et al.,	M.C.R. 3723
Amelia Bowden, et al.,	M.C.R. 3721

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Belle Stimpson, Thomas Clarence Stimpson, Claude Deupree Stimpson Stanley Clifton Stimpson, Willie Ray Stimpson, Joseph E. Deupree, Jr., Clyde Deupree, Ray Deupree, Grace G. Ridings, Ida

A. B. #2

Deupree, Bert Wofford, William J. Wofford, Lillian Wofford, Amelia Bowden and William D. Bowden as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIC)

Acting Chairman.

Registered.

M.C.R. 3721

COPY:

Muskogee, Indian Territory, March 31, 1903.

Anellia Bowden,
Direct, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Belle Stimpson et al., of which decision you were advised by registered mail on the 30th day of August, 1902.

Respectfully,

Tamie Dixby.
Chairman.

Date

OCT 10 1901

Name *Amelia Bowden*

Age *27* - Blood *1/8*

Post Office, *Wicket, Texas* -

Father: *Andrew W. Wobbold*

Mother: *Josephine Hagle*

Claims through *father*
husband, George E. Bowden, W.

No claim for husband.

Children:

William H. - 5

*Cham for soap
& child*

Stenographer *A. R. Rasmussen*

Choctaw MCR 3722

Bert Wofford

See MCR 3720

MCR 3722

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 10, 1901.

3722

In the matter of the application of Bert Wefford for identification as a Mississippi Choctaw.

No attorney for applicant.

Bert Wefford being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Bert Wefford.
Q What is your age? A Twenty eight the thirteenth of next September.
Q What is your post office address? A Sterrett, Indian Territory
Q Choctaw Nation? A Yes sir.
Q How long have you lived there? A Four years this time. Been in the Territory eleven years.
Q You lived in the Choctaw Nation the four years last past? A Yes.
Q Where before that? A In the Cherokee Nation twelve months.
Q Where before that? A In Texas before that. Was born in Texas, Collin County.
Q What is your father's name? A Thomas Jefferson Wefford.
Q Is he living? A No sir.
Q What is your mother's name? A Hannie Wefford.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States Authorities in Indian Territory? A No sir; only by tracing them I heard them speak of them calling them cousin Tom.
Q He has never been recognized by the Choctaw tribal authorities?
Q No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Pearl Wefford.
Q Is she a white woman or an Indian? A White woman.
Q Do you make claim for her? A No sir.
Q Have you any children you want to make application for? A No sir, I have no children.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I knew of.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under Act of Congress of June 10, 1896? A No sir.

Q Were you ever enrolled as a citizen of the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory?

A No sir.

Q Did you ever before this time make application to any authority whatever either Choctaw or United States authorities for citizenship in the Choctaw Nation? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir.

Q You have heard it explained a number of times, haven't you?

QA Yes sir.

Q And you understand it, you think, sufficiently without further explanation? A Yes sir.

Q You don't desire it to be further explained? A No sir.

Q Did any of your ancestors comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830 as you understand it? A No sir nor as I know of.

Q What is the name of your ancestor who lived in Mississippi or Alabama? A Andrew Wefford.

Q Do you know that he lived in Alabama or Mississippi? A Yes, by my father teaching me that

Q Where did he live? A He lived in both States and he moved from there down here on Allen Bayou.

Q How you claim through your father, Thomas J. Wefford? A Yes sir.

Q And he claimed through which parent? A Andrew Wefford.

Q Then you claim through your grandfather? A Yes sir.

Q Do you know whether he lived in Mississippi or Alabama in 1830?

A I don't know.

Q You don't know when he lived there then? A No sir; he came to the Territory in 1851.

Q From what State? A Alabama.

Q Did he live in Mississippi before he lived in Alabama? A Yes sir

Q Do you know when he went to Alabama? A I don't know.

Q Do you know when he died? A I don't know.

Q Knew how old he was when he died? A Seventy two.

Q Do you know when he died? A No sir.

Q Therefore you think he was living in 1830 but you don't know where? A He was living in Mississippi in 1830; he was that old; I judge he was born and raised there.

Q From what you understand in the family? A Yes sir.

Q Do you know whether he was the head of a family in 1830? A I don't know whether he had a family or was single then or not.

Q Never heard anything about that? A No sir.

Q But you are satisfied from what you have heard in the family, your mother, or family history that he lived in Mississippi in 1830? A Yes sir.

Q Do you know anything about your grandfather's parents? A No sir; John Wefford was my great grandfather.

Q How much Choctaw blood did your great grandfather, John Wefford have? A Full-blood.

Q Did he have a Choctaw name? A I don't know.

Q Did he talk Choctaw language? A Yes sir.

Q Did Andrew Wefford talk Choctaw? A I don't know.

Q That was his son? A Yes sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know.

Q Did any of them go from Mississippi or Alabama, the old Choctaw Nation thereto the new Choctaw Nation in the Indian Territory in 1823 to 1838? A I don't know.

Q Did Andrew Wefford or his father John or any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 tell the United States Indian Agent, Col. Ward, that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know sir.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know sir.

Q Did they ever claim or receive any land or benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

In accordance with the provisions of article fourteen of the Treaty of Dancing Rabbit Creek the United States Indian agent in Mississippi, Col. Ward, was instructed to make a list of the names, was instructed by the United States Government, of all Mississippi Choctaw Indians who went before him within six months after the ratification of the treaty of 1830 and told him that they wanted to take lands in Mississippi and become citizens of the United States. Col. Ward in making out his registered list placed on that list only a very few of the total number of Indians who did make application before him as required by the fourteenth article. The result of his neglect was that a great many Choctaw Indians who had land in Mississippi had that land taken from them by the Government, although they had done everything required of them by the Government; this action on the part of the Government caused many complaints so that in 1837 Congress appointed a Commission which went to Mississippi and heard many Choctaw claimants under article fourteen; Congress also appointed another Commission in 1842 for the same purpose.

Q Did any of your ancestors appear before the Commission of 1837 or that of 1842 and claim rights under article fourteen of the treaty? A Not that I know of.

The Act of Congress approved August 23, 1842, provided in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek and if it further appeared that his land had been previously taken from him he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas; and that a certificate should be issued to him to that effect- these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government as Choctaw Indians--? A I don't know.

Q Have you any documentary evidence you would like to file now in support of this claim? A No sir, not now.

Q Can you introduce evidence of the marriage of Thomas J. Wefford and his wife? A If the Court house hasn't been burned down I can.

Reasonable time will be given this applicant in which to introduce evidence of the marriage of his parents, and also any documentary evidence he may desire in support of this claim.

Q Have you any kin-people that have appeared before this Commission for identification as Mississippi Choctaws? A Yes sir; Joseph H. Dewpre, Jr. Belle Stimpson, Amelia Bowden.

Q These are all relatives of yours claiming through the same ancestor, Andrew Vefford? A Yes sir.

Q Do you want their testimony considered at the same with yours in order that you may get the benefit of t heirs? A Yes sir.

Q Do you speak the Choctaw language or understand it? A No sir my father he could; my father was interpreter for John Vefford.

Q Your father understood both English and Choctaw languages?

A Yes sir.

Q Did he speak them fluently? A Yes sir.

Q It is well known to me a fact he could? A Yes sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has dark complexion, dark eyes, dark brown hair. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 13 day of November, 1901.

Clara Mitchell Wood
Notary Public.

COPY.

M.C.R. 3728

Muskogee, Indian Territory, August 30, 1902.

Bert Wofford,

Sterrett, Indian Territory,

Dear Sir:

You are hereby advised that on the 30th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Belle Stimpson, et al., embracing the following applications for identification as Mississippi Choctaws:

Belle Stimpson, et al.,	M.C.R. 3720
Joseph E. Deupree, Jr. et al.,	M.C.R. 3719
Grace G. Ridings,	M.C.R. 3724
Ida Deupree,	M.C.R. 3726
Bert Wofford,	M.C.R. 3722
William J. Wofford, et al.,	M.C.R. 3723
Anelia Bowden, et al.,	M.C.R. 3721

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Belle Stimpson, Thomas Clarence Stimpson, Claude Deupree Stimpson, Stanley Clifton Stimpson, Willie Ray Stimpson, Joseph E. Deupree, Jr., Clyde Deupree, Ray Deupree, Grace G. Ridings, Ida

B. W. #2

Deupree, Bert Wofford, William J. Wofford, Lillian Wofford, Amelia Bowden and William D. Bowden as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

N.C.R. 3722

COPY.

Muskogee, Indian Territory, March 31, 1903.

Bert Wofford,

Stierrett, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of March 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Belle Stimpson et al., of which decision you were advised by registered mail on the 30th day of August, 1902.

Respectfully,

CRIMINAL

Tama Birby,
Chairman.

For Identification as a Mississippi Choctaw.

Date

OCT 10 1901

Name Bert Wafford

Age 28 - Blood 1/8

Post Office, Sterrett, I. T.

Father: Thomas J. Wafford, d

Mother: Nannie " - d

Claims through father

wife - Pearl - w.

No claim for wife.

~~Chapman~~

Claims for self
alone.

Stenographer H. G. Hains,

Choctaw MCR 3723

William J. Wofford

See MCR 3720

MCR 3723

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 10, 1901.

3723

In the matter of the application of William J. Wefford for the identification of himself and his minor child as Mississippi Choctaws.

No attorney for applicant.

William J. Wefford being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William J. Wefford.
Q What is your age? A Twenty four.
Q What is your post office address? A Sterrett, I.T.
Q Choctaw, Nation? A Yes sir.
Q How long have you lived there? A I have been living there-- that's been my post office address now the last five years.
Q Where did you live before that? A Texas.
Q What part of Texas? A Nine Miles South of Dennison.
Q Have you always lived in Texas before you came to the Territory? A Yes sir.
Q Were you born there? A Yes sir; in Collin County.
Q What is your father's name? A Thomas Jefferson Wefford.
Q Is he living? A No sir.
Q What is your mother's name? A Nannie Wefford.
Q Is she living? A No sir.
Q You claim through your father, do you? A Yes sir.
Q How much Choctaw blood do you claim through your father? A An eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes; he was by addressing here, him.
Q Not by the Choctaw tribal authorities? A No sir.
Q Are you married? A No sir-- yes sir I am married.
Q What is your wife's name? A Myrtle Wefford.
Q Is she a white woman or Indian? A White woman.
Q Making any claim for her? A No sir.
Q Have you any children you want to make application for? A Yes, one.
Q What is the name? A Lillian Wefford. (L-i-l-l-i-a-n)
Q How old is she? A Three years old.
Q Is that all you have? A Yes sir.
Q Just claiming for yourself and this child? A Yes sir.
Q When and where were you married to your wife, Myrtle? A In Grayson County, Texas.
Q What time? A June 20, four years ago.
Q Under a license and by a minister? A Yes sir.

- Q Have you your marriage license and certificate with you and-?
A No sir.
- Q Have you the marriage license and certificate of the marriage of your father and mother? A No sir.
- Q When and where were they married, do you know? A My understanding of it is that they was in Gallin County.
- Q When? A I don't know exactly the date.
- Q You think you could get the proof of their marriage? A Yes, I think I can.
- Q And also proof of the marriage of yourself and wife? A Yes sir.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation together with your child by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or by United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for yourself and child to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Do you now make application for identification as Mississippi Choctaws for yourself and child under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir.
- Q Have you heard it explained sufficiently so that you understand it now thoroughly? A Yes sir.
- Q Do you waive the further reading or explanation of it now?
A Yes sir.
- Q It isn't your wish to have it read then? A No sir; I think I understand it sufficiently.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir; not that I know of.
- Q What was the name of your ancestor that lived in Mississippi in 1830? A I can't say.
- Q What is the name of the ancestor you claim through? A Andrew Wefford, my grandfather.
- Q You claim through your father? A Yes, Thomas J. Wefford.
- Q He claimed through his father? A Andrew Wefford, yes sir.
- Q Can you go back any farther than Andrew? A Only what I have been taught. Thomas was my father; Andrew his father and John Wefford was the father of Andrew and a full-blood.
- Q Andrew Wefford then was a half blood and your grandfather? A Yes.
- Q What do you know about Andrew or John Wefford living in Mississippi or Alabama at any time? A Only what my father told me; that they moved from Mississippi to Alabama and from there they came to the Territory, that's what great grandfather, John Wefford, did in 1852.
- Q Didn't Andrew? A Not that I know of.
- Q Do you know when he died? A No sir.
- Q Do you know how old he was when he died? A No sir, I don't.
- Q Do you know anything about John Wefford where and when he died?
A In Alabama.
- Q Did John Wefford go back to the Territory and then back to Alabama? A John Wefford had a store there near Allen Bayou, I.T.

on the Choctaw Nation side; my father and John Harper run a store.

Q Where did your father die? A Sterrett.

Q When? A In '99.

Q How old was he at that time? A Sixty three.

Q He was born about 1836 was he? A I guess.

Q Where was he born? A In Alabama.

Q Therefore, his father and mother were living in Alabama at that time? A Yes sir.

Q And he, his father, previously went from Mississippi to Alabama? A Yes sir.

Q Where can you locate him in 1830, six years before the birth of his son your father? A In Alabama.

Q I mean your father's father now? A Yes sir; Andrew Wofford.

Q You don't know what time, though, he was living in Mississippi?

A No sir, I don't know.

Q Do you know if any of your Choctaw ancestors owned any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent who lived in Mississippi at that time that they intended to stay in Mississippi take land there and become citizens of the United States? A Not that I knew of.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838? A No sir; not that I know of.

Q Did any of your Choctaw ancestors claim or receive any land in Mississippi or Alabama from the Government as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I knew of.

Q Did they claim any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir; not that I know.

According to the provisions of the fourteenth article of the treaty of 1830 the Government directed an agent who lived in Mississippi at that time whose name was Col. Ward, to make a list of all Choctaw Indians who went before him within the time limited by the fourteenth article and told him they wanted to stay and become citizens of the states and take land in Mississippi. Col. Ward made a very small list which today contains the names of only a very few of the Choctaw Indians who did make a declaration before him within the six months as required by article fourteen of that treaty. This neglect on his part to enroll all the Indians who came before him caused many Indians who occupied land in Mississippi to have the lands taken from them and it was sold by the Government at its Public Land Sale together with the improvements. This led to many complaints on the part of the Indians so that in 1837 a Commission was appointed by act of Congress approved March 3, 1837, and this Commission heard many claimants under article fourteen and proof of their claims. In 1842 another Commission was appointed for the same purpose.

Q Did any of your Choctaw ancestors to your knowledge appear before either of these two Commissions, that of 1837 or that of 1842 and claim benefits under article fourteen? A Not that I knew of.

The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with the provisions of the fourteenth article but that his land had been taken from him he should be entitled to select land in either Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant Government land and certificates should be issued to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any such scrip from the United States Government under article fourteen of the treaty of 1830? A Not that I knew of.
Q What relation is Joseph E. Deupre Jr. to you? A Own cousin.
Q Belee Stimpson? A Cousin.
Q Amelia Bowden? A Cousin.
Q Bert Wofford? A A Brother.
Q These have all appeared today, October 10, and made application for identification as Mississippi Choctaws claiming under Andrew Wofford, the same ancestor you claim through? A Yes sir.
Q Do you want to have their testimony considered in connection with yours that you may get the benefit of it? A Yes sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything further you want to say in support of this claim? A No sir.

Applicant has the appearance and all the physical characteristics of a white person; brown eyes medium complexion brown hair. Does not understand or speak Choctaw and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 13 day of November, 1901.

Clara Mitchell Wood

Notary Public.

COPY. H.C.R. 3723

Muskogee, Indian Territory, August 30, 1902.

William J. Wofford,

Starrett, Indian Territory,

Dear Sir:

You are hereby advised that on the 30th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Belle Stimpson, et al., embracing the following applications for identification as Mississippi Choctaws:

Belle Stimpson, et al.,	H.C.R. 3720
Joseph E. Deupree, Jr. et al.,	H.C.R. 3719
Grace G. Ridings,	H.C.R. 3724
Ida Deupree,	H.C.R. 3723
Hert Wofford,	H.C.R. 3722
William J. Wofford, et al.,	H.C.R. 3723
Amalia Bowden, et al.,	H.C.R. 3721

These applications were made under the provision of the act of Congress of June 23, 1898 (35 Stat., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Belle Stimpson, Thomas Clarence Stimpson, Claude Deupree Stimpson, Stanley Clifton Stimpson, Willie Ray Stimpson, Joseph E. Deupree, Jr., Clyde Deupree, Roy Deupree, Grace G. Ridings, Ida

W. J. W. #2

Deupree, Bert Wofford, William J. Wofford, Lillian Wofford, Amelia Bowden and William D. Bowden as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

30

Acting Chairman.

Registered.

M.C.R. 3723

COPY

Waskogen, Indian Territory, March 31, 1903.

William J. Wofford,

Starrett, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of August 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Belle Stimpson et al., of which decision you were advised by registered mail on the 30th day of August 1902.

Respectfully,

Tams Dixie.
Chairman.

For Identification as a Mississippi Choctaw.

Date OCT 30 1901

Name William J. Wofford

Age 24 - Blood 1/8

Post Office, Sterrett, S. T.

Father: Thomas J. Wofford, d

Mother: Nannie " d

Claims through father -
wife - Myrtle " w.
No claim for wife -

Children:

Lillian Wofford 3.

Claim for self &
child -

Stenographer H. J. Hains,

Choctaw MCR 3724

Groce G. Ridings

See MCR 3720

MCR 3724

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA? I.T.)October 10, 1901.

3724

In the matter of the application of Grace G. Ridings for identification as a Mississippi Choctaw.

No attorney for applicant.

Grace G. Ridings being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Grace G. Ridings. (R-i-d-i-n-g-s)
Q What is your age? A Twenty two.
Q What is your post-office address? A Doniphan Texas, Pannin
Coun ty.

(Here applicant hands over a paper for examination: whereupon Joseph E. Dupree Jr. being called and sworn as a witness in this case testified as follows:

Q In a marriage certificate of your father and mother, your father to R. A. Woffard the name of your father is spelled J.E. Dupree; how should it be spelled? A D-e-u-p-r-e-e.

Witness excused, and applicant recalled.

Q This is your father? A Yes sir.
Q This is a certified copy of the marriage between your father, Joseph E. Dupree and R.A. Woffard. How should the name be spelled? A D-e-u-p-r-e-e.
Q So that the name as spelled in the certificate is wrong? A Yes.
Q How your mother's name in this certificate is W-e-f-f-a-r-d.
A Should be W-e-f-f-e-r-d.
Q Is Amelia Woffard the same as R.A. W-o-f-f-a-r-d? A Yes sir.
Q So that your mother Amelia Dupree whose maiden name was Amelia Woffard is the same as this-Am R.A. Woffard in this certificate?
A Yes sir.

Q How long have you lived at Doniphan Texas? A Just a few months.

- Q Where did you live before that? A Texas.
- Q How long did you live in Texas? A Twenty two years; all my life.
- Q Never lived out of the State? A No sir.
- Q What is your father's name? A Joseph E. Deupree.
- Q D-e-u-p-r-e-e? A Yes sir.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Amelia Wefford; Deupree now.
- Q Is she living? A No sir, dead.
- Q This is the same as the E.A. Deupree in the marriage license?
- A Yes sir.
- Q You claim through which parent? A Mother.
- Q How much Choctaw blood do you claim through your mother? A An eighth.
- Q Was your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A A.L. Ridings. That's the same as Lafayette in my petition.
- Q Is he a white man? A Yes sir.
- Q Claim for him? A No sir.
- Q Have you children you wish to apply for? A No sir.
- Q Claiming for yourself alone? A Yes sir.
- Q When were you married to your husband? A March 10, 1901.
- Q What place? A Ivanhoe, Texas.
- Q By a minister and license? A Yes sir.
- Q Have you evidence of the marriage of your father and mother?
- A Yes sir.
- Q You will have that filed, will you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or did any one for you make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?
- A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory?
- A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw nation?
- A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw Nation, Choctaw lands in the Indian Territory under article fourteen of the treaty of 1830 between the United States and the Choctaw Indians? A Yes sir.
- Q Do you understand the provisions of the fourteenth article of the treaty of 1830? A Yes sir; fairly.
- Q Care to have it further explained or read? A No sir.
- Q So that it is your desire that it be not further read? A Yes.
- Q Now, understanding article fourteen of that treaty do you know whether any of your ancestors complied or attempted to comply with any of its provisions as you understand them? A No sir.
- Q That is you don't know that they did? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified? A Andrew Wofford; my grand father.

Q What was his father's name? A John Wofford.

Q Did he get his Choctaw blood through Andrew John Wofford, I don't know, but think he did.

Q How much did John have? A Full-blood.

Q How do you know? A Only by being taught that in my family.

Q Did your father ever tell you that? A No sir, my uncle.

Q Did your mother ever talk to you about your Choctaw blood?

A She did when I was four years old.

Q Your father is living yet? A Yes sir.

Q Did he ever speak about it? A Yes sir.

Q Did Andrew Wofford your grandfather or his father John Wofford ever live in Mississippi or Alabama? A As I understand they lived in Mississippi and went to Alabama.

Q Do you know when they lived in Mississippi? A No sir.

Q Or in Alabama? A Before the War, I know.

Q How old is your father? A Sixty two or three.

Q He was born since 1830? A Yes sir.

Q Where was he born, do you know? A Alabama.

Q When was his father born and where? A Well, I suppose in Alabama I don't know; I am not sure.

Q Do you know when he died? A No sir.

Q How old he was when he died? A Andrew Wofford? In Mississippi

Q You claim through your mother's father? A Yes sir.

Q When and where was he born? A I understand that he was born in Mississippi- I have no proof- but moved to Alabama afterwards.

Q Do you know whether he or his father or any of your Choctaw ancestors owned any improvements on land in Mississippi in 1830?

A I think he did; I don't know for dead sure.

Q What makes you think they did? A Well, they were counted to be very well off and I just supposed that they did.

Q Well, you don't really know that? A No sir.

Q If they held any land in Mississippi, do you know how or where they got it, whether from the Government or did they take it up or how? A No sir. I don't know.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the new Indian Territory with the other Indians between 1833 to 1838? A No sir, not that I know of; they came here but whether with the Indians or not, I don't know.

Q When did they come? A In the '50's.

Q Who came? A Andrew didn't come; John came.

Q His father? A No his brother; there's two Johns.

Q Then Andrew Wofford's brother John came? A Yes sir.

Q Andrew didn't? A No sir; that 's what I understand.

Q Then none of your ancestors back in a direct line came as far as you know? A No sir; only my great uncle.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent whose name was Col. Ward that they intended to stay in Mississippi and take land there? A I don't know.

Q Did any of your Choctaw ancestors receive or claim land in Mississippi or Alabama from the Government under article fourteen of the Treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors claim any benefits or land under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

In accordance with the provisions of article fourteen of the Treaty of Dancing Rabbit Creek the Government directed an agent

in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the State. The records of the government show that this agent failed to register and report to the Government the names of many Choctaws who did signify their intention to remain and take lands there. On this account in many instances the land upon which the Indians had improvements and which they desired reserved for them were sold by the Government at its Public Land Sale and so the Choctaws were deprived their lands and improvements, causing thus many complaints. Finally this matter was brought before the attention of Congress which appointed a Commission in 1837 and this Commission went to Mississippi and heard claimants under article fourteen and made lists of the successful claimants. In 1842 another Commission was appointed for a similar purpose and they made out lists of the successful claimants under article fourteen.

Q Do you know if any of your Choctaw ancestors appeared before the Commission of 1837 or that of 1842 and claimed rights under article fourteen of the treaty of 1830? No sir; I don't know.

The Act of Congress approved August 23, 1842, provided that in case a Choctaw had complied with all the provisions of article fourteen of the Treaty of Dancing Rabbit Creek and if it further appeared that his land had been taken from him that he should receive land elsewhere in Mississippi, Alabama, Louisiana, or Arkansas and certificates should be issued to him to that effect, that he could select land there. These certificates were called scrip:

Q Do you know if any of your Choctaw ancestors received any such scrip from the Government? A I don't know.

Q Have you any documentary evidence with you now that you desire to file in support of your application? A Not with me now; I will have it today.

Reasonable time will be allowed this applicant in which to file documentary evidence to support this application; also proof of the marriage of the father and mother.

Q Do you speak the Choctaw language? A No sir.

Q Have you any knowledge of the language at all? A No sir.

Q Have you any relatives who have appeared for identification today? A Yes sir.

Q Joseph E. Dupree? A Brother.

Q Belle Stimpson? A Sister.

Q Amelia Bowden? A Cousin.

Q Bert Wofford? A Cousin.

Q William J. Wofford? A Cousin.

Q These all claim through the same ancestor, Andrew Wofford, you claim from? A Yes sir.

Q Do you want their testimony considered together with yours so that you may get the benefit of theirs? A Yes sir.

Q Is there anything further you want to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics

of being furnished with such evidence, and that he has not
and that he has not been furnished with such evidence, and
and he has not been furnished with such evidence, and he has not
with any of the provisions of the treaty of 1800, and that he
of 1800, and that he has not been furnished with such evidence,
fication has been made, and that he has not been furnished with such evidence.

Henry C. Haines being duly sworn on his oath states that as sten-
ographer to the Commission to the Five Civilized Tribes he has reported
in full all proceedings had in the above entitled cause on October
10, 1901, and that the above and foregoing is a full, true and
correct transcript of his stenographic notes in said cause on
said date.

Henry C. Haines

Subscribed and sworn to before me this _____ day of November, 1901.

Clara Mitchell Wood
Notary Public.

COPY.

M.C.R. 3724

Muskogee, Indian Territory, August 30, 1902.

Grace G. Ridings,

Doniphan, Texas.

Dear Madam:

You are hereby advised that on the 30th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Belle Stimpson, et al., embracing the following applications for identification as Mississippi Choctaws:

Belle Stimpson, et al.,	M.C.R. 3720
Joseph E. Deupree, Jr. et al.,	M.C.R. 3719
Grace G. Ridings,	M.C.R. 3724
Ida Deupree,	M.C.R. 3725
Bert Wofford,	M.C.R. 3722
William J. Wofford, et al.,	M.C.R. 3723
Amelia Bowden, et al.,	M.C.R. 3721

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Belle Stimpson, Thomas Clarence Stimpson, Claude Deupree Stimpson, Stanley Clifton Stimpson, Willie Ray Stimpson, Joseph E. Deupree, Jr., Clyde Deupree, Roy Deupree, Grace G. Ridings, Ida

G. G. R. #2

Deupree, Bert Wofford, William J. Wofford, Lillian Wofford, Amelia Bowden and William D. Bowden as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tamc Ivey

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 31, 1903.

Grace G. Ridings,
Doniphan Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Belle Stimpson et al., of which decision you were advised by registered mail on the 30th day of August, 1902.

Respectfully,

(Signed)

Tamoc Blythe
Chairman.

No. 3724

For Identification as a Mississippi Choctaw.

Date OCT 10 1901

Name Grace B. Ridings,

Age 22 - Blood $\frac{1}{8}$

Post Office, Doniphan, TEXAS.

Father: Joseph E. Dupree, d

Mother: Amelia " d

Claims through mother,
HUSBAND.

A. S. Ridings, - W.

No claim for husband

~~Children~~

Claims for self
alone.

Stenographer H. G. Hains

Choctaw MCR 3725

Ida Dupree

See MCR 3720

MCR 3725

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE SEVEN CIVILIZED TRIBES

ATOKA, I.T., October 19, 1901.

3725

In the matter of the application of Ida Dupree for identification as a Mississippi Choctaw.

Now attorney for applicant.

Ida Dupree being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ida Dupree. (D-e-u-p-r-e-e.)
Q What is your age? A Nineteen years.
Q What is your post office address? A Ravenna, Fannin County, Texas.
Q How long have you lived at Ravenna? A The past four years.
Q Where did you live before that? A At Ivanhoe Texas.
Q You have always lived in Texas? A Yes, sir in Fannin County.
Q Were you born there? A Yes sir.
Q What is your father's name? A Joseph E. Dupree.
Q Is he living? A Yes sir.
Q Is your mother living? A No sir.
Q What is her name? A Amelia Dupree.
Q Have you the marriage certificate between your father and mother? A Yes sir.
Q It will be filed will it? A Yes sir.
Q In the marriage certificate your father's name is spelled D-u-e-p-r-e-e; is that wrong? A Yes, it is mis-spelled in the certificate.
Q Should be as you have given it? A Yes sir.
Q Your mother's maiden name is given there as R.A. Wofford; and you give it as Amelia Woff-o-r-d, do you? A Yes sir.
Q And her full name was that? A Rebecca Amelia.
Q You call her Amelia? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir.
Q You are not married? A No sir.
Q Claim just for yourself, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application or any one for you for citizenship in the Choctaw Nation to the Choctaw tribal authorities?

A No sir.

Q Did you ever make application for yourself or any one for you for enrollment sent as a Choctaw citizen to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or United States Court in Indian Territory? A No sir.

Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A Yes sir.

Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that article of that treaty? A Yes sir.

Q You think you understand it after having heard it explained and repeated in a number of cases here so that you will waive the explanation? A Yes sir.

Q It is your desire that it should be waived- the reading and explanation of it? A I think I understand it perfectly.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen as you have heard it explained and as you understand it? A I don't know.

Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Andrew Wofford.

Q Do you know through which parent he claimed Choctaw blood?

A Through his father.

Q John Wofford? A Yes sir.

Q How much Choctaw blood did John Wofford have? A I have been taught that he was a full-blood.

Q In the family? A Yes sir. Well, through my uncle, my mother's brother.

Q What did your father ever say about it? A He said that he knew my uncle claimed Choctaw blood, that's all he knew about it; he didn't know my grandfather.

Q You claim through your mother? A Yes sir.

Q And she claimed through her father, Andrew Wofford and through John Wofford, his father? A Yes sir.

Q Do you know whether Andrew Wofford or his father John Wofford lived in Mississippi or Alabama at that time, in 1830? A Yes, they lived in Alabama.

Q Where did you ever hear about either of them living in Mississippi? A I have been told that they come from Mississippi to Alabama but what time I don't know.

Q Do you know whether any of your Choctaw ancestors owned any improvements on land in Mississippi or Alabama in 1830? A I don't.

Q Do you know whether any of them went from Alabama or Mississippi to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1836? A No sir, I don't.

Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent whose name was Col. Ward and tell him they wanted to stay there and take lands?

A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

- Q Did they ever receive any land or other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know.
- Q When did your mother die? A In '33.
- Q How old was she when she died? A Thirty two years old.
- Q What State was she born in? A I think in Alabama; am not sure.
- Q You don't know what place in Alabama? A No sir.
- Q And her father, Andrew Wofford died where? A In Alabama.
- Q How old was he when he died? A I don't know.
- Q Do you know what time he died? A No sir.
- Q Nor when he was born? A No sir.
- Q Or his father, John? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the United States Indian agent in Mississippi Col. Ward, was instructed by the Government to make a list of the names of all Choctaw Indians who came before him within six months after the ratification of the treaty and told him that they wanted to take land in Mississippi and become citizens of the State. The records in the possession of the Government show that he recorded the names of very few claimants who did actually come before him within that limited time and as a result of his neglected record the names of a great number, they lost their lands together with improvements on them. This led to a great many complaints on the part of the Choctaws; so that in 1837 Congress appointed a Commission which went to Mississippi and heard claims under the fourteenth article of the treaty of 1830 and made lists of the successful claimants. In 1842 another Commission was appointed by Congress for the same purpose.

- Q Did any of your Choctaw ancestors appear before either of these two Commissions and claim or establish any rights under article fourteen of the treaty of 1830? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate to that effect should be given to him.

- Q Do you know if any of your Choctaw ancestors received any such certificates which were called scrip from the Government? A I don't know.
- Q Have you any documentary evidence that you would like to file now? A We will file some today and some affidavits.
- Q - in support of your application; also proof of the marriage of your father and mother? A Yes sir.

Reasonable time will be allowed this applicant for this purpose.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything further you can think of in support of this application? A No sir.

Q What relation is Joseph E. Deupree to you? A Brother.
Q Nell Simpson? A Sister.
Q Amelia Bowden? A Cousin.
Q Bert Wofford? A Cousin.
Q William V. Wofford? A Cousin.
Q Grace G. Ridings? A Sister.
Q These people have all made application for identification as Miss
Mississippi Choctaws on October 10, 1901, all claiming through the same
ancestor, Andrew J. Wofford, through whom you claim? A Yes sir.
Q What to have their testimony considered with this of yours?
A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown eyes, dark complexion, straight black hair- looks as though she did possess some Choctaw blood. She does not speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

A My uncle did speak Choctaw and English; was Choctaw Indian interpreter- my uncle Tom Wofford.

— — — — —

Henry G. Mains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry D. Haines.

Subscribed and sworn to before me this 13th day of November, 1901.

Clara Mitchell Wood.
Notary Public.

Muskogee, Indian Territory, August 30, 1902.

Ida Deupree,

Ravenna, Texas.

Dear Madam:

You are hereby advised that on the 30th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Belle Stimpson, et al., embracing the following applications for identification as Mississippi Choctaws:

Belle Stimpson, et al.,	M.C.R. 3720
Joseph E. Deupree, Jr. et al.,	M.C.R. 3719
Grace G. Ridings,	M.C.R. 3724
Ida Deupree,	M.C.R. 3725
Bert Wofford,	M.C.R. 3722
William J. Wofford, et al.,	M.C.R. 3723
Amelia Bowden, et al.,	M.C.R. 3721

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Belle Stimpson, Thomas Clarence Stimpson, Claude Deupree Stimpson, Stanley Clifton Stimpson, Willie Ray Stimpson, Joseph E. Deupree, Jr., Clyde Deupree, Roy Deupree, Grace G. Ridings, Ida

I. D. #2

Deupree, Bert Wofford, William J. Wofford, Lillian Wofford, Amelia Bowden and William D. Bowden as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,


Acting Chairman.

Registered.

M.C.R. 3725

COBY:

Muskogee, Indian Territory, March 31, 1903.

Ida Dupree,

Ravenna, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Belle Stimpson et al., of which decision you were advised by registered mail on the 30th day of August, 1902.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

OCT 10 1901

Name

Ida Kempree,

Age

19 —

Blood

$\frac{1}{8}$

Post Office,

Ravenna, Texas.

Father:

Joseph E. Kempree, Jr.

Mother:

Amelia " d

Claims through

mother

Children:

Claims for self
alone

Stenographer

H. G. Harris

Choctaw MCR 3726

Benjamin F. Davis

See MCR 3731, 3730, 3732

MCR 3726

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Benjamin F. Davis,
et al., for identification as Mississippi Choctaws, consolidating the
applications of

Benjamin F. Davis, et al.,	M C R 3726
Charley Lunette Kiser, et al.,	M C R 3731
Martha Alice Webb, et al.,	M C R 3780
Georgia Ann Freeman, et al.,	M C R 3782

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each
in said record.

Original application of Benjamin F. Davis, et al., Page.
for identification as Mississippi Choctaws. 1

Ex parte affidavit of W. H. Davidson. 6

Ex parte affidavit of John Bratton. 7

Joint ex parte affidavit of D. A. Taylor and
Lucinda Taylor. 8

Ex parte affidavit of J. F. Dees. 9

Certificate of J. L. Rappelee. 10

Marriage record between B. F. Davis and Laura
Edwards. 11

Original application of Charley Lunette Kiser, et al.,
for identification as Mississippi Choctaws. 12

Certified copy of affidavit of J. F. Dees. 17

Certificate of J. L. Rappelee. 18

2.

Original application of Martha Alice Webb, et al., for identification as Mississippi Choctaws.	19
Certified copy of affidavit of J. F. Deas.	24
Certificate of J. L. Rappolee.	25
Original application of Georgia Ann Freeman, et al., for identification as Mississippi Choctaws.	26
Certified copy of affidavit of J. F. Deas.	31
Certificate of J. L. Rappolee.	32
Final decision of the Commission in the consolidated case of Benjamin F. Davis, et al., applicants for identification as Mississippi Choctaws, denying said application.	33

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 10, 1901.

3726

In the matter of the application of Benjamin F. Davis for the identification of himself and his three minor children as Mississippi Cheetaws.

No attorney for applicant.

Benjamin F. Davis being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Benjamin F. Davis.
Q What is your age? A Forty seven.
Q What is your post office address? A Telephone, Fannin County, Texas.
Q How long have you been living at Telephone? A I moved there the 20th day of last January.
Q Where did you live before that? A In Hunt County, Texas.
Q How were you there? A I have lived in Hunt and Collin County for twelve year.
Q Where did you live before that? A I came from Mississippi.
Q Where did you live in Mississippi? A In Tishomingo County; I was born there.
Q And you lived there until you went to Texas? A Yes sir.
Q What is your father's name? A Benjamin Howard Davis.
Q Is he living? A He is dead.
Q Is your mother living or dead? A Dead.
Q What is your mother's name? A Jemima Elizabeth.
Q Through which parent do you claim Cheetaw blood? A My father.
Q How much Cheetaw blood do you claim? A One fourth.
Q Has your father ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by either the Cheetaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir, not that I knew of.
Q Are you married, A Yes sir.
Q What is your wife's name? A L.M.Davis.
Q White woman or Indian? A Well, she claims Indian but I don't know how much nor what kind; don't know much about it.
Q Do you make any claim for her? A No sir.
Q She is white woman and some kind of Indian? A Yes sir.
Q Give me the names of your children under twenty one and unmarried? A Lillie J. Davis, twelve years old.
Q Next? A John T.W.Davis.
Q How old? A He is eight years old.
Q Next? A Oscar F. Davis.
Q How old? A He is six years old. That's all.

- Q You claim for yourself and these three children, do you? A Yes.
- Q Is your wife, L.M. Davis the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q Are these children living with you at your home? A Yes sir; we have four married.
- Q Have any of them made application here? A No sir.
- Q Have any of your kin people? A No sir.
- Q You are not related, then, to anybody that has come before the Commission before? A No sir.
- Q When and where were you married to your wife? A Hunt County, Texas, 13th July, 1876.
- Q Were you married by a minister and under a license? A Yes sir, by a justice of the Peace.
- Q Under a license? A Yes sir.
- Q Have you your marriage license and certificate with you here? A I have my license here.
- Q Have proof of the marriage of your father and mother here? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? Or is the name of your children? A Yes, my foreparents are.
- Q Is yours or your children's? A No sir.
- Q Have you ever made application for yourself and children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under Act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory? A No sir.
- Q Is this the first application you have ever made for yourself and children either to the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified and having your children identified under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't know.

The treaty of 1830 was made between the United States and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi. The object of the treaty was the removal of all the Mississippi Choctaws Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became evident that a great many of them wouldn't come here to the new Choctaw Nation.

In order to protect their interests article fourteen was put into the treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which may be living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of

the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that? A Yes I think I do.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen which has been read to you? A Well, my grandfather did.
- Q What was his name? A Nick Davis.
- Q Do you claim through your father, Benjamin H. Davis? A Yes sir.
- Q He claimed through whom? A Nick Davis.
- Q That is your grandfather? A Yes sir.
- Q He lived in Mississippi in 1830, did he? A Yes sir.
- Q Do you know his father's or mother's name? A His name was James Davis.
- Q Was he a Choctaw Indian? A Yes sir.
- Q What was his father's name? A That is as far as I can go back.
- Q Did Nick Davis have a family in Mississippi in 1830? A I think so.
- Q How much Choctaw blood did he have? A Full-blood.
- Q Have you any proof of that fact? A Yes sir.
- Q Documentary evidence, papers of any kind? A Yes sir.
- Q You intend to file it later? A Yes sir.
- Q Did Nick Davis or any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I suppose my grandfather, Nick Davis, did; I knew it by hearing my father talk about it.
- Q Did your father say so? A Yes sir.
- Q Did he state where the land was situated? A No sir.
- Q Or what improvements he had on it? A No sir.
- Q Did he say where he got the land? A If he did I don't remember.
- Q Or what became of it? A From what my father said I understand he lost it.
- Q In what way did he lose it? A He was run off from it; that's what my father said; I have heard him talk about it.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A I don't know sir whether they did or not.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did they ever claim or receive any lands or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.
- Q When did your father die? A In '71.
- Q How old was he when he died? A Fifty seven years old.
- Q He was born then before 1830? A Yes sir.
- Q And born in Mississippi? A In Alabama; went to Mississippi when he was a boy, and grew up there a man and went back to Alabama and married and went back to Mississippi.
- Q He was living in Mississippi? A Yes as a boy.
- Q And his father was living there too? A Yes sir.
- Q Do you know when your grandfather died or how old he was when he

died? A No sir.

Q Did he have a Choctaw name? Any other name than Nick Davis?

A No sir; that's all I knew.

Q Could he speak Choctaw? A I don't know sir.

Q Could your father? A No sir.

According to the provisions of the fourteenth article of the treaty of 1830 the United States Government instructed an agent in Mississippi to register the names of all Choctaw Indians who went before him within six months from the ratification of the treaty and told him that that they wanted to stay in Mississippi and take land there; this agent reported and recorded the names of but a few of the Choctaw Indians who came before him within the six months after the ratification of the treaty and told him they intended to stay in Mississippi and take land in that State. On this account a great many Choctaw Indians who had lands in Mississippi lost the lands; it was taken from them by the Government and sold at the Public land Sale; this led to many complaints on the part of the Indians so that in 1837 a Commission was appointed by Act of Congress of March 3, 1837, approved on that date, and this Commission went to Mississippi and heard a great many Choctaw claimants and approved the claims of many. In 1842 another Commission was appointed for the same purpose and they made a list of the successful claimants under article fourteen.

Q Did any of your Choctaw ancestors appear before either of these two Commissions claiming rights or benefits under article fourteen?

A I don't know sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that any claimant before him proved his claim but that his land had been previously taken from him, he should receive land there in Mississippi, Alabama, Louisiana or Arkansas and that a certificate to that effect should be given him; these certificates were called scrip.

Q Do you know whether any of your ancestors received any such scrip from the Government as Choctaw Indians? A No sir, I don't know.

Q Have you any documentary evidence you want to file now? Any papers? A Yes sir.

Affidavit of J.F.Dees presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case, Marriage license of B.F.Davis to Laura Edwards--

Q That is L.N.Davis, is it? A Yes sir.

-his wife, offered by applicant, received, filed, marked Exhibit "B", and made a part of the record in this case;

Reasonable time will be allowed this applicant for the introduction of other documentary evidence if he desires.

Q Can you speak Choctaw? A No sir.

Q Is there anything more ya want to say in support of this application? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, dark brown--brown hair. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 14th day of November, 1901.

Carra Mitchell Wood.

Notary Public.

C. v. W.
LRB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Benjamin F. Davis,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Benjamin F. Davis, et al.,	N C R 3726
Charley Lemotte Kiser, et al.,	N C R 3731
Martha Alice Webb, et al.,	N C R 3730
Georgia Ann Freeman, et al.,	N C R 3732

--- D E C I S I O N ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Benjamin F. Davis for himself and his three minor children, Lillie J., John T. W. and Oscar T. Davis; by Charley Lemotte Kiser for herself and her minor child, Clarence Otha Kiser; by Martha Alice Webb for herself and her four minor children, Floyd, Laura Caroline, Nina May and William Carroll Webb; and by Georgia Ann Freeman for herself and her minor child, Martha Elsie Freeman, under the following provision of the act of Congress approved June 26, 1890, (50 Stat., 490):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of James and Nick Davis, who are alleged to have been full blood Choctaws and to have resided in the old Choctaw Nation, states of Mississippi and Alabama, in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

From the records in the possession of the Commission it is found that the name of one James Davis appears on page 94 of Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who at the date of the making of the treaty of "Dancing Rabbit Creek", had land in cultivation, in exchange for which they were to receive stipulated

tracts of land in accordance with the provisions of article nineteen of said treaty. The record, above referred to, in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of article fourteen; neither is it shown by the evidence offered by the several applicants herein that a relationship exists between them and the James Davis whose name appears, as before stated, on said record.

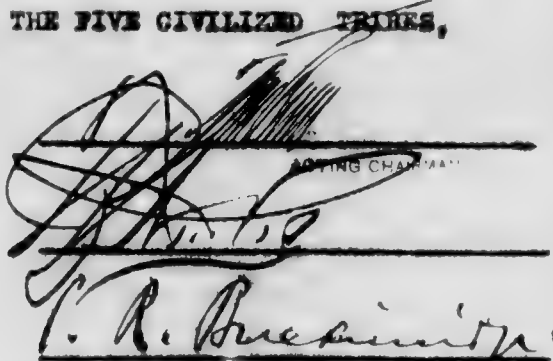
NOTE. The testimony offered by the applicants herein shows that one Rachel Davis was the wife of Nick Davis, through whom these applicants attempt to trace their Choctaw descent to the said James Davis, and it appears from the certificate of J. L. Rappelee, introduced in evidence herein, that the name of one Rachel Davis appears on page 640 of Volume 7, American State Papers, Public Lands, but it is not stated in the testimony that the Rachel Davis who is alleged to be the ancestor of these applicants was possessed of Choctaw blood, and hence the Commission has not considered that any claim was made through her.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said James Davis, or Nick Davis, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 190), and August 23, 1842, (5 Stat., 513).

4.

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin F. Davis, Lillie J. Davis, John T. W. Davis, Oscar F. Davis, Charley Lunette Kiser, Clarence Otha Kiser, Martha Alice Webb, Floyd Webb, Laura Caroline Webb, Elsa May Webb, William Carroll Webb, Georgia Ann Freeman and Bertha Maud Freeman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN

Muskogee, Indian Territory,

AUG 8 1902

Commissioners.

no

Applicants to
Citizenship as
Mississippi Cherokees
under a provision of
the act of Congress
approved June 28, 1898
(30 Stat. 495)

Statement
of
Facts

Copy

DEPARTMENT OF THE INTERIOR .
HONORABLE SECRETARY OF THE INTERIOR ,
WASHINGTON , D . C .

In the Matter of the Application of Benjamin J. Davis , et al.,
for Identification as Mississippi Choctaws , consolidated with the applica-
tions of

Benjamin F. Davis, et al.,
Charley Lurette Viner, et al.,
Martha Alice Webb, et al., and
Georgia Ann Freeman , et al.

S T A T E M E N T .

The applicants herein appeared before the Commission to the Five Civilized Tribes on or about the 19th day of October, 1901, claiming the right to be identified as descendants of James Davis through Nick Davis, grandfather of Benjamin F. Davis, the principal applicant in the present case, and Rachael Davis, the grandmother of said principal applicant.

The Hon. Commission to the Five Civilized Tribes found that a relation existed between the applicants and James Davis, but that said James Davis did not attempt to comply with Article 14 of the treaty of Dancing Rabbit Creek made in 1830, which finding was confirmed by your office.

The applicants relied mostly upon their claim to citizenship through Nick and James Davis and did not to the satisfaction of the Commission to the Five Civilized Tribes or the Honorable Commissioner of Indian Affairs establish the relation of claimants to Rachael Davis or show that she was a Choctaw Indian by blood. The Hon. Commissioner states that the records of his office show that Rachael Davis, with five children, was admitted land in Mississippi under the 14th Article of the Treaty of 1830, and he recommended that the case be remanded with directions to the Commission to the Five Civilized Tribes to give the applicants an opportunity to show that they are descendants of this Rachael Davis. In a "Note" on the Decision to the Five Civilized Tribes it is stated that

- "Note. The testimony offered by the applicants herein shows that one Rachael Davis was the wife of Nick Davis, through whom these applicants attempt to trace their Choctaw descent to the said James Davis, and it appears from the certificate of J. L. Rapolee, introduced in evidence herein that the name of one Rachael Davis appears on page 640 of volume 7,

American State Papers, Public Lands, but it is not stated in the testimony that the Rachael Davis who is alleged to be an ancestor of these applicants was possessed of Choctaw blood, and hence the Commission has not considered that any claim was made through her. "

The applicants now need to establish their relation to Rachael Davis and in their application offers proof of the blood of said Rachael Davis.

The Hon. Commissioner of Indian Affairs stated, in his letter to you relative to this matter, dated Oct. 30th., 1902, that "at page 3 of the records of this office, bearing the following caption:

Claims under the 14th. Article of Dancing Rabbit Creek of 30 Sept. 1830. ~~74~~ Testimony in support of said claims taken for the consideration and decision of Congress thereon, there appears an entry as follows:

1834		
Dec 2 20 Rachael Davis	S No 4 say lots I to 24 inclusive)
Five children,	Sect 2 " " 25 to 40 ")
over and two under Ten	S No 5 Lots No. 17, 18, 23, 24,) 24 7W
	25, 32, 33 & 40. also)
	the E 1/2 S No 8.)

The Hon. Secretary will see from the record that no attorney represented the applicants before the Commission and not being learned in the law and their rights in the premises they should not be made to suffer loss, or be deprived of any of their just rights, because they have, probably failed to prosecute their claim as diligently as they could if they had employed astute counsel to look after their interests.

The applicants have procured the affidavits of four persons to establish the ~~fact~~, which the Honorable Commissioner of Indian Affairs contemplated could be established when he recommended that this case be remanded for a rehearing by the Commission, and said affidavits are annexed to the petition of applicants and made a part thereof.

Therefore, to the end that justice will be done the applicants herein, we pray that you will remand this case to the Hon. Commissioner of the Five Civilized Tribes for a rehearing.

Respectfully Submitted .

Rachael Davis
Counsel for Applicants .

No

Application
to Citizenship
as Mississippi
Choctaws -

E. A. Walker,
Ordmore, S. C.
Atty's for Applicants.

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does not the principal applicant, Benjamin F. Davis, for himself and for all the other applicants herein and respectfully prays that this case may be re-opened and applicant given further opportunity to present evidence of their right to be re-enrolled as Mississippi Choctaws and for reasons therefor states:-

That at the time of the original applicant herein and at the time of the approval of the finding of the Commission to the Five Civilized Tribes by the Honorable Secretary of the Interior that he, nor any of the other applicants herein were in possession of the knowledge or information that Rachael Davis, the grandmother of the principal applicant and the wife of Nick Davis, the grandfather of the principal applicant, through these applicants made claim to be enrolled as Mississippi Choctaws at the time of the filing of their original application herein was one of those Choctaw Indians who had complied with the provisions of the Fourteenth article of the treaty of 1830, nor did they have any evidence as to the race or citizenship of said Rachael Davis, and that if permitted to present evidence thereof they will and can show to the Commissioner to the Five Civilized Tribes by legal and competent evidence of reliable witnesses that said Rachael Davis was the wife of Nick Davis, the grandfather of the principal applicant herein, Benjamin F. Davis and was the grandmother of said principal applicant; that said Rachael Davis was a member of the Choctaw tribe of Indians by blood and was one of the members of said tribe who selected lands under the Fourteenth article of the Treaty of Dancing Rabbit Creek, of 1830, between the United States and the Choctaw Tribe of Indians. That at the time of the filing of the original application herein and at the time of the approval by the Honorable Secretary of the Interior of the findings of the Commission to the Five Civilized Tribes that the principal applicant herein, nor any of the other applicants were in possession of this evidence, and could not have known of the same by the exercise of due diligence.

Said applicant further states that since being notified of the action of the Honorable Secretary of the Interior in this cause he has made diligent search and examination and has but recently come into possession of the facts and evidence above set out, and that he has been unable sooner to procure the same; that he has diligently made effort to ascertain the true facts and believes that the facts as above alleged

are true; that Exhibits of true copies of affidavits are hereto attached, marked Exhibits A, B, C and I and made a part hereof who resides at

that affidavits are hereto attached, signed by said persons stating the facts to which they will respectively testify; that said applicant himself believes said facts to be true and believes that if this case is re-opened applicants will be able to present sufficient evidence to justify their being identified as Mississippi Choctaw Indians entitled to be enrolled as such and to participate in the allotment of the lands of the Choctaw and Chickasaw Nations of Indians.

Therefore, applicants respectfully pray this cause may be reopened and they be given opportunity to present said evidence and to prosecute their rights as above set out.

E. Walker
Attorney for Applicants.

Benjamin F. Davis being duly sworn on his oath states that he is the principal applicant in the above entitled and numbered cause; that he takes this affidavit on behalf of himself and all the other applicants herein; that he has read the foregoing petition and that the matters and things therein alleged and set out are true and correct.

Benjamin F. Davis

Subscribed and sworn to before me this 16 day of Feb. A. D.

1906.

Notary Public.

Indian Territory, :
:Sa.
Southern District.:

Copy
"Exhibit A"

Be it remembered, that on this the 27th. day of Jan. A. D. 1906,
before me, Summers Hardy, a notary public within and for the Southern
District of the Indian Territory, personally came and appeared Thomas
Sandweth Ashley, to me known to be the person he represented himself to
be and after being duly sworn on his oath deposes and says:-

My name is Thomas Sandweth Ashley, my age is 85 years. I was born
Aug. 24th. 1820 between Lake Pontchartrain and Mobile. I lived among the
Indians up until the treaty of Dancing Rabbit Creek and then moved into
the Yazoo bottoms. I knew Greenwood Leflore all my life until his death.
I have slept with his son many a night. I also knew James Davis and his
son Nick Davis. I have taken many a drink of whiskey with Nick Davis.
I also knew Nick Davis wife, Rachael Davis. Rachael Davis was a large
heavy set woman, and she was an Indian by blood. I knew her quite
well. One reason why I remember her so distinctly is that she gave me
many a drink of whiskey when I was a boy. Nick Davis and Rachael Davis
had several children, but I can not say how many as I moved away from
there. I remember one son, named Benjamin Davis. I do not know his
middle name, if he had any. We always called him Ben. Rachael Davis and
Nick Davis were both Choctaw Indians by blood, but Rachael Davis showed
to be a full blood Choctaw Indian woman. I also knew a son of Benjamin
Davis called Benjamin F. Davis. I remember one time when he was a small
boy that a wagon ran over him and hurt him pretty badly. They were then
living in the old Choctaw Nation in Mississippi near a small stream
called Silver Creek by the Indians. ^{Nick} James Davis and his wife Rachael
lived in Greenwood Leflore's District. James Davis had a farm before the
the treaty was made. Nick Davis and his wife were both well known to me
and I know that they were husband and wife and from the personal appear-
ance of said Rachael Davis I knew her to have been an Indian woman and
talked the Choctaw language.

Subscribed and sworn to before me this the 27th day of Jan. A. D.
1906.

Witness to affiant's mark
H. M. Rice

Summers Hardy
Notary Public.

my commission expires
Oct. 17, 1907.

INDIAN TERRITORY .

CENTRAL DISTRICT .

Be it remembered that on this 29 day of January.
A. D. 1906, before me, A. Downing, a Notary Public within
and for the Central District of the Indian Territory, personally came and
appeared Jasper M. Lawrence, to me known to be the
person he represents himself to be and after being duly sworn on his oath
deposes and says :-

My name is Jasper M. Lawrence, my age is 66 years and I
reside near Roswell, I. T. I lived among the Indians in old Tishomingo
County, Mississippi. I knew Nick Davis, Rachael Davis and Ben Davis .
Rachael Davis was the wife of Nick Davis and they were both Choctaw
Indians by blood. Rachael showed to be a full blood Choctaw. She talked
the choctaw language and had the appearance of a Choctaw. She was a
large muscular woman. Nick Davis and Rachael Davis had a son, that I know
of , whose name was Benjamin Howard Davis and he was commonly called
"Ben " Davis. I frequented with him and we were raised together until
I left Mississippi in about the year 1886 . Ben Davis married and
there were several children by him. One of his sons lives in the I. T.
now. His name is Benjamin Franklin Davis. I know he is a grand child of
Nick Davis and Rachael Davis and that he is a son of Benjamin Howard
Davis. I was with "Ben " Davis when a wagon run over his son Benjamin
Franklin Davis, near Ripley , Mississippi. Benjamin Franklin was about
nine or ten years old at that time.

I know that Nick Davis and Rachael Davis lived together as man and
wife. I have been to their home many times.

Witnesses

A. Downing
L. F. Webb

Jasper M. Lawrence
mark

1906

Subscribed and sworn to before me this 29 day of January, A.D.

A. Downing
Notary Public .

In and to wit:

That I, the undersigned,

"Exhibit E"

before me, J. J. [illegible], a Notary Public in and for the State of [illegible]

do hereby certify that the foregoing is a true and correct copy of the [illegible]

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Miss. Choc. 3726

Muskogee, Indian Territory, February 21, 1902.

Benjamin F. Davis,

Mayhew, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the nineteenth instant, inclosing affidavits of John Bratton, W. H. Davidson, and joint affidavit of D. A. Taylor and Lucinda Taylor, which are offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same have been made a part of the record in your case and will receive consideration in the disposition of your application.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, August 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Benjamin F. Davis, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Benjamin F. Davis, et al.,	M.C.R. 3726
Charley Lunette Kiser, et al.,	" 3731
Martha Alice Webb, et al.,	" 3730
Georgia Ann Freeman, et al.,	" 3732

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
1 enclosure.

James F. Smith
Acting Chairman.

COMMISSIONERS

HERRY L. DAVIS
TAMM BERRY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

11/14/03
REFER IN REPLY TO THE FOLLOWING

M.C.R. 3726

Muskogee, Indian Territory, August 8, 1908.

Benjamin F. Davis,
Mayhew, Indian Territory.

Dear Sir:

You are hereby advised that on the 8th day of August, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Benjamin F. Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Benjamin F. Davis, et al.,	M.C.R. 3726
Charley Luquette Kiser, et al.,	" 3721
Martha Alice Webb, et al.,	" 3720
Georgia Ann Freeman, et al.,	" 3722

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

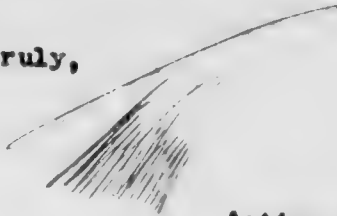
Said decision concludes as follows:

B F D 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin F. Davis, Lillie J. Davis, John T. W. Davis, Oscar F. Davis, Charloy Lunette Kiser, Clarence Otho Kiser, Martha Alice Webb, Floyd Webb, Laura Caroline Webb, Elsa May Webb, William Carroll Webb, Georgia Ann Freeman and Bertha Maud Freeman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,



Acting Chairman.

Registered.

COPY

M.C.R. 3726

Muskogee, Indian Territory, August 8, 1902.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Benjamin F. Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Benjamin F. Davis, et al.,	M.C.R. 3726
Charley Lunette Kiser, et al.,	" 3731
Martha Alice Webb, et al.,	" 3730
Georgia Ann Freeman, et al.,	" 3732

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M M & C 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin F. Davis, Lillie J. Davis, John T. W. Davis, Oscar F. Davis, Charley Lunette Kiser, Clarence Otho Kiser, Martha Alice Webb, Floyd Webb, Laura Caroline Webb, Elsa May Webb, William Carroll Webb, Georgia Ann Freeman and Bertha Maud Freeman as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Pritchard
Acting Chairman.

Land.

COPY:

47873. 1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, Oct. 20, 1902.

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed herewith a report dated August 8, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes forwarding the record relative to the consolidated Mississippi Choctaw case of Benjamin F. Davis, et al., applicants who apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Applications for identification are made by Benjamin F. Davis for himself and his three minor children, Lillie J., John T. W. and Oscar F. Davis; by Charley Lunette Kizer for herself and her minor child, Clarence Otho Kizer; by Martha Alice Webb for herself and her four minor children, Floyd, Laura Caroline, Eliza May and William Carroll Webb; and by Georgia Ann Freeman for herself and her minor child, Bertha Maud Freeman.

August 8, 1902, the Commission held that the parties were not entitled to identification.

The applicants in this consolidated case claim descent from James Davis, great grandfather of principal applicant Benjamin F. Davis. They trace descent from said James Davis through Nick Davis, grandfather of said principal applicant, and Rachel Davis, grandmother of said principal applicant. In a certificate signed by J. L. Rappolee, which is among the papers, it is stated that the name of James Davis appears on page 94 of volume 7 of American State Papers, and that the name Rachel Davis appears on page 640 of said volume. In Choctaw Reservation Book C., page 5, the following entry appears:

Treaty	Reserve	Location	District	Remarks
19th Art. Choctaw treaty of 1830				
Do	James Davis	S 1/2	8 24 6 E	Approved.

Even though the descent was proven from James Davis the applicants would not be entitled to enrollment by reason of being his descendants because he was a 19th article claimant. At page 5 of one of the records of this office, bearing the following caption:

Claims under the 14th article of Dancing Rabbit Creek of 30 Sept. 1830. Testimony in support of said claims taken for the consideration and decision of Congress thereon, there appears an entry as follows:

1834

Dec 2	20	Rachel Davis	S No 4 say lots 1 to 24 inclusive)	
		Five children	Sect 3 " " 25 to 40 ")
		over and two)
		under Ten	S No 5 Lots No.17,18,23,24,) 24 7W
			25, 32, 33 & 40. also)
			the E 1/2 S No. 8.)

As stated by the Commission the applicants do not show by their testimony that Rachel Davis was of Choctaw blood. However in view of the fact that it is shown by the testimony that a Rachel Davis was the wife of Nick Davis, and as the records of this office show that a Rachel Davis was awarded land under the 14th article of the treaty of 1830, it is respectfully recommended that the case be remanded to the Commission with direction to give the applicants an opportunity to show that they are descendants of the Rachel Davis whom the records of this office show selected land under the 14th article of the treaty of 1830. It is thought by the office that the Commission should advise the applicants of what the records of this office show relative to said matter.

Very respectfully,
Your obedient servant,

W. A. Jones,

Commissioner.

G.A.W.(S)

C O P Y.

Land
47873--1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. Oct. 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated August 8, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes forwarding the record relative to the consolidated Mississippi Choctaw case of Benjamin F. Davis, et al., applicants who apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Applications for identification are made by Benjamin F. Davis for himself and his three minor children, Lillie J., John T.W. and Oscar F. Davis; by Charley Lunette Kizer for herself and her minor child, Clarence Otho Kizer; by Martha Alice Webb for herself and her four minor children, Floyd, Laura Caroline, Eliza May and William Carrell Webb; and by Georgia Ann Freeman for herself and her minor child, Bertha Maud Freeman.

August 8, 1902, the Commission held that the parties were not entitled to identification.

The applicants in this consolidated case claim descent from James Davis, great-grandfather of principal applicant Benjamin F. Davis. They trace descent from said James Davis through Nick Davis, grandfather of said principal applicant and Rachel Davis,

grandmother of said principal applicant. In a certificate signed by J.L. Happelee, which is among the papers, it is stated that the name of James Davis appears on page 94 of volume 7 of American State Papers, and that the name, Rachel Davis appears on page 640 of said volume. In Choctaw Reservation Book C., page 5, the following entry appears:

Treaty	Reserve	Location	District	Remarks.
19th Art. Choctaw treaty of 1830
Do	James Davis	S 1 1/2	S 24 6E	Approved.

Even though the descent was proven from James Davis the applicants would not be entitled to enrollment by reason of being his descendants because he was a 19th article claimant. At page 5 of one of the records of this office, bearing the following caption:

Claims under the 14th article of Dancing Rabbit Creek of 30 Sept. 1830. Testimony in support of said claims taken for the consideration and decision of Congress thereon,

there appears an entry as follows:

1834

Dec 2 20 Rachel Davis S No 4 say lots 1 to 24 inclusive)

Five children Sect 3 " " 25 to 40 "
 over and two
 under Ten S No 5 Lots No. 17, 18, 23, 24,
 25, 32, 33 & 40. also
 the S 1 1/2 S No 6.

24 7W

As stated by the Commission the applicants do not show by their testimony that Rachel Davis was of Choctaw blood.

However, in view of the fact that it is shown by the testimony that a Rachel Davis was the wife of Nick Davis , and as the records of this office show that a Racheld Davis was awarded land under the 14th article of the treaty of 1830, it is respectfully recommended that the case be remanded to the Commission with direction to give the applicants an opportunity to show that they are descendants of the Rached Davis whom the records of this office show selected land under the 14th article of the treaty of 1830. It is thought by the office that the Commission should advise the applicants of what the records of this office show relative to said matter.

Very respectfully,
Your obedient servant,

W.A. Jones.

G.A.W. (S)

Commissioner.

D.C. 20455-

C O P Y,

WHR.

DEPARTMENT OF THE INTERIOR.

I.T.D. 6467-1902

WASHINGTON

LRS.

October 28, 1902.

The Commission
to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

With your letter of August 8, 1902, and the Commissioner of Indian Affairs' letter of October 20, 1902, there was received the record in the consolidated Mississippi Choctaw case of Benjamin F. Davis, et al., covering the following applications; Benjamin F. Davis for himself and his three minor children, Lillie J., John T.W. and Oscar F. Davis; Charley Lunette Kizer, for herself and her minor child, Clarence Otho Kizer; Martha Alice Webb for herself and her four minor children, Floyd, Laura Caroline, Elsa May and William Carroll Webb; and Georgia Ann Freeman, for herself and her minor child, Bertha Maud Freeman.

The applicants claim the right to be identified as descendants of James Davis through Nick Davis, grandfather of Benjamin F. Davis, the principal applicant in the present case, and Rachel Davis, the grandmother of said principal applicant.

It appears, as stated in your decision rejecting the application and in Indian Office letter submitting the case, that the name of one James Davis appears on Page 94 of Volume 7, of American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Lefflore's

district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama, and who at the date of the making of the Treaty of Dancing Rabbit Creek had land in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of Article 19 of said Treaty; that the record in no way relates to or shows any compliance or attempted compliance, on the part of the persons therein named with the provisions of Article 14 of the Treaty, neither is it shown by the evidence offered by the several applicants in the present case that a relationship exists between them and James Davis, whose name appears on said record; that it does not appear from the testimony, or from the records in the possession of your Commission relating to persons who complied, or attempted to comply with the provisions of said Article 14 of said Treaty of 1830, and to persons who were heretofore claimants thereunder, that said James Davis, or Hick Davis, or any ancestor less remote, signified (by person or by proxy) to the Choctaw Indian Agent, an intention to comply with the provisions of Article 14, or present a claim to rights thereunder to either of the commissions authorized by the Acts of March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

The Commissioner states that the records of his office show that Rachel Davis, with five children, was awarded land in Mississippi under the 14th Article of the Treaty of 1830, and he recommends that the case be remanded with directions to you to give the applicants an opportunity to show that they are descendants of

this Rachel Davis.

In a "Note" in your decision it is stated that-

Note. The testimony offered by the applicants herein shows that one Rachel Davis was the wife of Nick Davis, through whom these applicants attempt to trace their Choctaw descent to the said James Davis, and it appears from the certificate of J.L. Rappelee, introduced in evidence herein, that the name of one Rachel Davis appears on page 640 of Volume 7, American State Papers, Public Lands, but it is not stated in the testimony that the Rachel Davis who is alleged to be the ancestor of these applicants was possessed of Choctaw blood, and hence the Commission has not considered that any claim was made through her.

In view of the fact that the applicants introduced the certificate made by Rappelee and had due opportunity to show any claim through Rachel Davis, and as due notice of your decision was given the applicants and no objection has been made thereto, the Department does not feel warranted in remanding the case as suggested. You will, however, furnish the applicants a copy hereof, and a copy of the Commissioner's letter which is inclosed.

Finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

1 inclosure.

OWE,

D. C. No. 20455-1902.

C O P Y.

64520

J. P.

DEPARTMENT OF THE INTERIOR.

W. H. R.

ITD 6467-1902

Washington, October 28, 1902.

L. R S.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

With your letter of August 8, 1902, and the Commissioner of Indian Affairs' letter of October 20, 1902, there was received the record in the consolidated Mississippi Choctaw case of Benjamin F. Davis, et al., covering the following applications; Benjamin F. Davis, for himself and his three minor children, Lillie J., John T. W., and Oscar F. Davis; Charley Lunette Kizer, for herself and her minor child, Clarence Otho Kizer; Martha Alice Webb, for herself and her four minor children, Floyd, Laura Caroline, Elza May and William Carroll Webb; and Georgia Ann Freeman, for herself and her minor child, Bertha Maud Freeman.

The applicants claim the right to be identified as descendants of James Davis through Nick Davis, grandfather of Benjamin F. Davis, the principal applicant in the present case, and Rachel Davis, the grandmother of said principal applicant.

It appears, as stated in your decision rejecting the application and in Indian Office letter submitting the case, that the name of one James Davis appears on page 94, of Volume 7, of

American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who at the date of the making of the treaty of Dancing Rabbit Creek had land in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of article 19 of said Treaty; that the record in no way relates to or shows any compliance, or attempted compliance, on the part of the persons therein named with the provisions of Article 14 of the Treaty, neither is it shown by the evidence offered by the several applicants in the present case that a relationship exists between them and James Davis, whose name appears on said record; that it does not appear from the testimony, or from the records in the possession of your commission relating to persons who complied or attempted to comply, with the provisions of said Article 14 of the treaty of 1830, and to persons who were heretofore claimants thereunder, that said James Davis, or Nick Davis, or any ancestor less remote, signified (by person or by proxy) to the Choctaw Indian Agent, an intention to comply with the provisions of Article 14, or present a claim to rights thereunder, to either of the commissions authorized by the Acts of March 3,

1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

The Commissioner states that the records of his office show that Rachel Davis, with five children, was awarded land in Mississippi under the 14th Article of the Treaty of 1830, and he recommends that the case be remanded with directions to you to give the applicants an opportunity to show that they are descendants of this Rachel Davis.

In a "Note" in your decision it is stated that -

Note. The testimony offered by the applicants herein shows that one Rachel Davis was the wife of Nick Davis, through whom these applicants attempt to trace their Choctaw descent to the said James Davis, and it appears from the certificate of J. L. Rappolee, introduced in evidence herein, that the name of one Rachel Davis appears on page 640 of Volume 7, American State Papers, Public Lands, but it is not stated in the testimony that the Rachel Davis who is alleged to be the ancestor of these applicants was possessed of Choctaw blood, and hence the Commission has not considered that any claim was made through her.

In view of the fact that the applicants introduced the certificate made by Rappolee and had due opportunity to show any claim through Rachel Davis, and as due notice of your decision was given the applicants and no objection has been made thereto, the Department does not feel warranted in remanding the case as suggested. You will, however, furnish the applicants a copy hereof, and a copy of the Commissioner's letter which is inclosed.

Finding no reason to disturb your decision it is hereby affirmed,

Respectfully,

(signed) E. A. Hitchcock,

Secretary.

1 inclosure.

GWE

1837 (5 Stats., 180) and August 20, 1842 (5 Stats., 513).

The Commissioner states that the records of his office show that Rachel Davis, with five children, was awarded land in Mississippi under the 14th Article of the Treaty of 1830, and he recommends that the case be remanded with directions to you to give the applicants an opportunity to show that they are descendants of this Rachel Davis.

In a "Note" in your decision it is stated that -

Note. The testimony offered by the applicants herein shows that one Rachel Davis was the wife of Nick Davis, through whom these applicants attempt to trace their Choctaw descent to the said James Davis, and it appears from the certificate of J. L. Rappelee, introduced in evidence herein, that the name of one Rachel Davis appears on page 640 of Volume 7, American State Papers, Public Lands, but it is not stated in the testimony that the Rachel Davis who is alleged to be the ancestor of these applicants was possessed of Choctaw blood, and hence the Commission has not considered that any claim was made through her.

In view of the fact that the applicants introduced the certificate made by Rappelee and had due opportunity to show any claim through Rachel Davis, and as due notice of your decision was given the applicants and no objection has been made thereto, the Department does not feel warranted in remanding the case as suggested. You will, however, furnish the applicants a copy hereof, and a copy of the Commissioner's letter which is inclosed.

Finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

(signed) E. A. Hitchcock,

Secretary.

1 inclosure.

GWE

OPY.

Washoe, Indian Territory, November 3, 1902.

Manfield, McMurray & Cernish,

Attorneys for Cheate and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheate of the several persons included in the consolidated case of Benjamin F. Davis, et al., of which decision you were advised by mail on the 8th day of August, 1902.

The Secretary of the Interior directs the Commission to furnish the several applicants in this consolidated case with copies of his letter of October 22, 1902, affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs of October 20, 1902, reporting on the same, and copies of the same are herewith enclosed you.

Respectfully,

Very

Samuel D. Kirby.
Acting Chairman.

Enc. H.C. 1

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON I. AVISON
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3726

Muskogee, Indian Territory, November 5, 1902.

Benjamin F. Davis,


Hughes, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Benjamin F. Davis, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

The Secretary of the Interior directs the Commission to furnish the several applicants in this consolidated case with copies of his letter of October 28, 1902, affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs of October 20, 1902, reporting on the same, and copies of the same are herewith inclosed you.

Respectfully,



Acting Chairman.

Enc. M. B. 2

Muskogee, Indian Territory, May 29, 1903.

Benjamin F. Davis,
Mt. Pleasant, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of May____, 1903, in which you ask that a rehearing be granted in the consolidated Mississippi Choctaw case of Benjamin F. Davis, et al. You enclose the affidavits of F. R. Yeary and ask if the same will be sufficient to warrant a rehearing in your case.

If you desire to have your case re-opened you should submit to this Commission your sworn petition setting forth the reasons why such rehearing should be granted and the evidence intended to be introduced.

The affidavits forwarded in your letter are herewith returned.

Respectfully,

MEM 90

Commissioner in Charge.

Wadagee, Indian Territory, March 17, 1903.

Georgia E. Freeman,
Mt. Pleasant, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, relative to the approval by the Secretary of the Interior of the decision of this Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Benjamin F. Davis, et al. You state that at the time applications in this case were submitted the applicants did not know Rachel Davis was possessed of Choctaw blood, and that you can easily prove your Choctaw descent from Rachel Davis. You ask to be advised relative to your rights as her descendant.

In reply to your letter you are informed that on October 28, 1902, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Benjamin F. Davis, et al., directing the Commission to furnish the several applicants therein copies of his letter affirming said decision. On November 5, 1902, the several applicants were notified of such departmental action, and a copy of the letter of the Secretary of the Interior was forwarded the several applicants in this case.

G E F 2

The Secretary of the Interior, in his letter herein referred to, states that the government records show that one Rachel Davis was awarded land under the 14th article of the treaty of September 27, 1830. The record in this case, however, shows that no claim was made that Rachel Davis, wife of Nick Davis, the ancestor of the applicants in this case, was possessed of Choctaw blood.

In view, however, of the showing of the government records, if the applicants in this case desire to petition the Secretary of the Interior for a rehearing, the Commission will receive and transmit to the Secretary of the Interior such petition with such supporting evidence as may be offered.

Respectfully,

Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee June 5. 05

Rec'd of Com. Five Tribes one
copy of testimony and decision
in Miss. Choc. case of Benjamin F
Davis et al. MCR 3726

Hardy T Franklin
by H Franklin

M O R 3726

Muskogee, Indian Territory, March 3, 1906.

R. A. Walker,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that the petition heretofore forwarded this office by you for a rehearing in the Mississippi Choctaw case of Benjamin F. Davis, et al., has this day been transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, March 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Benjamin F. Davis, et al., the record therein, together with the adverse decision of the Commission to the Five Civilized Tribes rendered August 8, 1902, was transmitted to the Department on August 8, 1902.

October 28, 1902, the Department approved the decision of said Commission in this case.

This office is now in receipt of a petition for a rehearing in the consolidated case above referred to, said petition being submitted by E. A. Walker, attorney, of Ardmore, Indian Territory. The same is herewith transmitted for the consideration of the Department.

Respectfully,

Acting Commissioner,

Through the Commissioner
of Indian Affairs.

McM 3/3

(COPY)
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

Land
86273-1902
20615-1903.

March 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

Referring to Department letter of November 15, 1902, I.T.D.4670, affirming the decision of the Commission to the Five Civilized Tribes, of June 4, 1902, refusing to enroll Benjamin F. Davis, et al, as Mississippi Choctaws, there is enclosed a communication from the Acting Commissioner to the Five Civilized Tribes, dated March 3, 1906, transmitting petition for a rehearing in said case. The record is also enclosed.

Very respectfully,

C. F. Larabee,

Acting Commissioner.

GAW-GH.

(COPY)
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

Land
86273-1903
20618-1905.

March 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

Referring to Department letter of November 15, 1902, I.T.D.4870, affirming the decision of the Commission to the Five Civilized Tribes, of June 4, 1902, refusing to enroll Benjamin F. Davis, et al, as Mississippi Choctaws, there is enclosed a communication from the Acting Commissioner to the Five Civilized Tribes, dated March 3, 1906, transmitting petition for a rehearing in said case. The record is also enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

Copy.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FILE.

I.T.D.4723-1206.
D. C.41531.

September 18, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered in connection with the record in the case informally withdrawn from the Indian Office the 18th instant, the petition for rehearing in the Mississippi Choctaw case of Benjamin F. Davis, et al., submitted with your letter of March 3, 1906, and Indian Office letter of March 23, 1906. In this case the Department, on October 28, 1902, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the applicants.

The claimants originally sought to establish their claims as descendants of an alleged beneficiary under article 14 of the treaty of 1830, the grandfather of the principal applicant Benjamin F. Davis. They now seek a further hearing to show rights in the Choctaw Nation as Mississippi Choctaws through Rachael Davis, the grandmother of the principal applicant.

The affidavits in support of the motion are somewhat contradictory in themselves. The motion seems to be induced, to some extent, by a statement in Indian Office letter of October

(2)

20, 1902, that its records show that a Rachael Davis was awarded land under the 14th article of the treaty of 1830. The affidavits presented with the motion, however, fail completely to connect Rachael Davis, the alleged grandmother of the principal applicant, with any person of that name who attempted to comply with said article 14 of the treaty. The Department has been unable to find that any one by the name of Rachael Davis received the benefits of said 14th article, or of any subsequent legislation by Congress.

The statement in the Indian Office letter of October 20, 1902, above referred to, prove, from verbal inquiry at that office, to have been made through error.

The motion is denied, and you will so advise the parties in interest.

On June 25, 1906, Samuels Hardy, of Nadill, Indian Territory, filed an appearance of argument, as "one of the attorneys" for applicants.

Respectfully,

(Signed)

Jesse E. Wilson
Assistant Secretary.

Muskogee, Indian Territory, October 9, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 18, 1906, denied the motion heretofore filed with the Department by E. A. Walker, attorney at law, Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Benjamin F. Davis et al., in which case are included the following applicants:

Benjamin F. Davis, Lillie J. Davis, John T. W. Davis, Oscar F. Davis, Charley Lunette Kizer, Clarence Otho Kizer, Martha Alice Webb, Floyd Webb, Laura Caroline Webb, Eliza May Webb, William Carroll Webb, Georgia Ann Freeman and Bertha Maud Freeman.

This action of the Department is considered final and these names are furnished you in order that should any of such persons appear before your office requesting to be given permission to designate their prospective allotments you may be able to advise them that they now have no claim pending and no land will be set aside for them.

Respectfully,

Commissioner.

MCR-3726

Muskogee, Indian Territory, October 9, 1906.

Summers Hardy,

Madill, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of September 18, 1906, (I.T.D.4796-1906), - denying the motion heretofore filed with the Department by R. A. Walker, attorney at law, Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Benjamin F. Davis et al.

Respectfully,

WLM.
Encl. 9/2

Commissioner.

MCR-3726

Muskogee, Indian Territory, October 9, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

There is enclosed herewith copy of Departmental letter of September 18, 1906 (I.T.D.4796-1906), denying the motion heretofore filed with the Department by E. A. Walker, attorney at law, Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Benjamin F. Davis et al.

Respectfully,

W.M.
Encl. 9/3

Commissioner.

MCR-5726

Muskogee, Indian Territory, October 9, 1906.

E. A. Walker,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of September 18, 1906, (I.T.D.4796-1906), denying the motion heretofore filed with the Department by you for a re-hearing in the consolidated Mississippi Choctaw case of Benjamin F. Davis et al.

Respectfully,

W.M.
Encl. 9/1

Commissioner.

7/11/06

REFER IN REPLY TO THE FOLLOWING:

MCR-3726

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 9, 1906.

Benjamin F. Davis,
Mt. Pleasant, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 18, 1906, denied the motion heretofore filed with the Department by E. A. Walker, attorney at law, Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Benjamin F. Davis et al.

Respectfully,



Commissioner.

CARD No.

NAME

RESIDENCE
DISTRICT

POST OFFICE

AGE SEX

REFER TO M. C. R. 3726

Benjamin F. Davis
et al

Consolidated Case

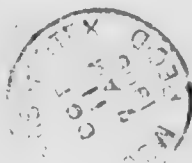
James Davis Luce
father of

Nick Davis Luce
wife
Rachel Davis

Benjamin Howard Davis
wife
Jemima Elizabeth Davis

Allen Webster Davis
J. B. Davis
Benjamin Franklin Davis
wife
Laura L. M. Davis
w. r. ind.

Charley Lunette Davis
mar 24 1/8
Tom Rizer, w.
Minnie L. Davis?
mar. Whaley
Martha Alice Davis
mar 27 1/8
George Webb, w.
Georgia Anne Davis
mar 9 1/8
George William Freeman
w.
Kizzie J. Davis 12
John J. W. Davis 8
Oscar F. Davis 6
Clarence Otto Rizer 6
Floyd Webb 6
Laura Caroline Webb 4
Eiga May Webb 2
William Carroll Webb 2 w.
Bertha Maud Freeman
11 mos.



DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes.

RECEIVED

NOV 14 1906

Department of the Interior.

Commissioner to the Five Civilized Tribes,

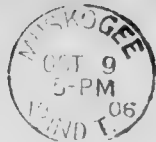
MUSKOGEE, IND. TER.

Miss. Choctaw Div.

3726

Benjamin F. Davis,

Pleasant, Texas.



UNCLAIMED

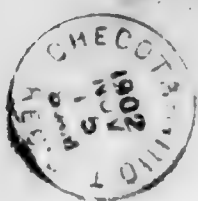
3726



DEPARTMENT OF THE INTERIOR

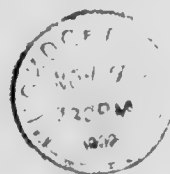
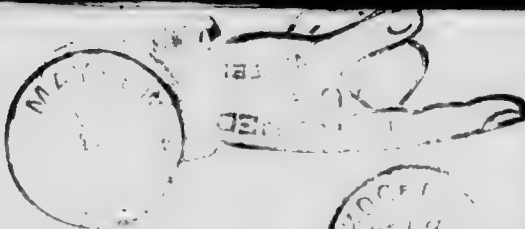
DEC 1902

ACTING CHAIRMAN.





UNCLAIMED



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Received by F. J. Davis,

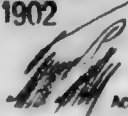
Muskogee, Indian Territory.

Matthew

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

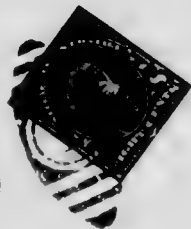
NOV 18 1902



ACTING CHAIRMAN



*Returned
to sender*



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

100

For Identification as a Mississippi Choctaw.

Date OCT 10 1901

Name Benjamin F. Davis

Age 47 — Blood 1/4

Post Office, Telephone, Texas.

Father: Benjamin H. Davis, D

Mother: Jimmie E. " D.

Claims through father
and L. M. Davis, W & D
No claim for wife.

Children:

Lillie J. Davis	12
John F. W. "	8
Oscar F. "	6

Claims for self
and children

Stenographer H. G. Haines.

Choctaw MCR 3727

Amanda Brainer

See MCR 3728, 3729

MCR 3727

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Amanda Bramer, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Amanda Bramer	M.C.R. 3727
James Goodwyn	" 3728
Barbara Ann Lauderdale	" 3729

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case
of Amanda Bramer, et al.

	(Page)
Original application of Amanda Bramer before the Dawes Commission for identification as a Mississippi Choctaw	1
Affidavit of J. W. Lauderdale	6
Affidavit of J. L. Sargent	7
Affidavit of M. E. Lauderdale	8
Affidavit of H. L. Lauderdale	9
Affidavit of C. C. Forbes	10
Affidavit of J. W. Gever	11
Affidavit of J. M. Davis	12
Original application of James Goodwyn before the Dawes Commission for identification as a Mississippi Choctaw	13

Certified copy of affidavit of J.W.Gover	17
Certified copy of affidavit of J.W.Lauderdale	18
Certified copy of affidavit of J.M.Davis	19
Original application of Tom J. Lauderdale before the Dawes Commission for the identification of his minor child, Barbara Ann Lauderdale, as a Mississippi Choctaw	20
Certified copy of affidavit of J. W. Gover	25
Certified copy of affidavit of J.M.Davis	26
Certified copy of affidavit of J.W.Lauderdale	27
Decision of the Commission denying the application of Amanda Brammer, et al., for identification as Mississippi Choctaws	28

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 10, 1901.

3727

In the matter of the application of Amanda Bramer for identification as a Mississippi Choctaw.

No attorney for applicant.

Amanda Bramer being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Amanda Bramer. That's by my last husband.
Q What is your age? A A I am fifty years old.
Q What is your post office address? A Albany, I.T.
Q How long have you lived at Albany? A I have been living in the Territory now about eight years.
Q Where did you live before you lived here in the Indian Territory? A In Alabama. I was born and raised in Alabama.
Q You always lived there until you came to the Territory? A I came from Mississippi.
Q How long did you live in Mississippi? A Going on thirty years.
Q How long did you live in Alabama before you went to Mississippi? A I lived there until I was pretty well grown.
Q Ten or fifteen years I suppose? A Yes sir.
Q Then you went where in Mississippi? A Prentiss County.
Q You stayed there until you were about thirty? A Yes sir.
Q You stayed in Mississippi how long? A Till I was near forty years.
Q From there you went where? A To the Territory.
Q Have you lived here since? A Yes sir.
Q What is your father's name? A John Naper. (N-a-p-e-r)
Q Is he living? A No sir; dead.
Q What is your mother's name? A Annie Naper.
Q She dead too? A Yes sir; she died when she was fifty years old.
Q Through which parent do you claim? A Mother.
Q How much Choctaw blood do you claim? A I claim a half.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know sir.
Q Are you married? A No sir; I am a widow; my man has quit me.
Q He isn't dead is he? A No sir.
Q Did he get a divorce (No answer.)
Q Are making an application for anybody but yourself? A No sir; that is all; just for myself.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I ever knowed of.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission to under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been enrolled as a citizen of the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or United States Court in Indian Territory? A Nary a one.

Q Did you ever before this time make application for citizenship in the Choctaw Nation to any authorities whatever? A No sir, I didn't.

Q This is the first application of any kind-? A Yes sir.

Q Do you now seek to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A I don't understand about that article; I have got no instruction- no education.

Well this treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek was made in Mississippi in 1830 on the 27th day of September of that year between the United States Government and the Choctaw tribe of Indians who lived in the old Choctaw Nation partly in Mississippi and a small portion of it in the State of Alabama. Before the Treaty was signed it became known that a great many Choctaw Indians would not come to the Choctaw Nation, Indian Territory, so in order to protect their interests article fourteen was put into the treaty and after that the treaty was satisfactory to all the Indians, those that stayed and those that came and it became a treaty fully ratified. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be living with him under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you claim under this article? A Yes sir.

Q You understand it do you? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830?

A Not that I know of.

Q You never heard of it? A No sir, I didn't.

Q Were any of your Choctaw ancestors living in Mississippi or Alabama in 1830? A I don't know sir.

Q Don't you know the name of your ancestor who lived in Mississippi or in 1830 or sometime before that? A No sir.

Q Whom do you claim through? A My mother.

Q Annie Haper? A Yes; her maiden name was Snider.

Q Spell it. A I don't know; never looked in a book.

- Q Was she a full-blood Indian? A Yes sir.
- Q Did she ever live in Mississippi? A No sir; my father and mother died in Alabama.
- Q Now, you are fifty years old and you were born since 1830?
- A I don't know sir.
- Q 1830 would be seventy years ago? A I don't know my age.
- Q Do you know whether your mother ever lived in Mississippi? A No sir.
- Q All your people have been in Alabama? A Yes sir.
- Q Was your mother born in Alabama? A Yes sir.
- Q Born and died there? A Yes sir.
- Q Then you must have been a child there. Do you think she had children in Alabama in 1830? A No sir not as I know.
- Q Then she was married in 1830? A I don't know. Never heard them say.
- Q Do you know when she died? A She has been dead about twenty five years.
- Q How old was she when she died? A Fifty when she died.
- Q Well, then she was a little girl in 1830 was not she? A I guess it was that way.
- Q She would be seventy five that way you know. A Yes sir.
- Q Well, through which parent did she claim? A Her mother.
- Q What was the name? A Betsey Burns. That's her maiden name and she married a Snider.
- Q Now, then Betsy Burns or Snider did she live in Alabama in 1830? A Yes I think so.
- Q She had children; she had your mother, at least? A Yes sir.
- Q Did she in 1830 own any land in that State do you know? A None that I know of.
- Q Did she or any of your Choctaw ancestors go from Mississippi or Alabama with the other Indians to the Indian Territory between 1833 to 1838? A I don't know.
- Q Let's see; you claim through your grandmother? A Betsy Snider; my mother was Annie Naper.
- Q Your grandmother lived in Alabama in 1830 and had children there at that time? A Yes sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent in Mississippi and tell him that she wanted to stay there, take lands and become citizen of the States? A I don't know sir whether they did or not.
- Q You don't know of any of them having lived in Mississippi?
- A No sir.
- Q Did they live in the old Choctaw Nation in Alabama? A I don't know; I think they did.
- Q Did any of your Choctaw ancestors ever claim or receive and land in Mississippi or Alabama from the Government under article fourteen of the treaty of 1830? A No sir not as I know of.
- Q Do you know whether they ever claimed or received any land or benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty?
- A No sir. I don't know.

In accordance with the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of these Choctaws who might desire to remain in Mississippi and become citizens of the States; the records show that this agent failed to record the names of many Choctaws who did go before him and signify their intention to remain

citizens of the United States and take land in that State of Mississippi, and who did this within the time limited in the article. This neglect on the part of the agent caused many Indians who had land in Mississippi and Alabama to lose that land- it was sold at Public Land Sale; this neglect also caused many complaints and as a result of these complaints made by the Indians in 1837 Congress appointed a Commission that went to Mississippi and heard claimants under article fourteen of the treaty and passed upon their claims favorably; and in 1842 another Commission was appointed for the same purpose and they made lists of the successful claimants.

Q Did any of your ancestors go before either of these two Commissions and claim rights under article fourteen? A No sir, not as I know of.

Q The Act of Congress approved August 23, 1842 provided that in case a Choctaw had complied with all the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek he should be entitled to select land elsewhere in Louisiana, Alabama, Mississippi or Arkansas, to be taken from vacant Government land and that certificates to that effect should be issued to him; these certificates were called scrips.

Q Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A If they did I don't know.

Q Have you had any relatives that have come here for identification before you? A No sir not that I know of.

Q Have you any evidence you want to file now in support of your claim, or proof of the marriage of your father and mother? A No sir.

Q Do you know when or where your parents were married? A No sir.

Reasonable time will be allowed this applicant in which to file proof of the marriage of her father and mother and also to introduce any documentary evidence in support of this application she may desire.

Q You don't speak Choctaw? A I used to could; but I can't now.

Q You haven't associated with them? A No sir.

Q How old were you when your mother died? A I don't know.

Q Were you ten or fifteen? A I reckon I was fourteen.

Q Ever hear her speak Choctaw? A Yes sir.

Q Did she have an Indian name? A Yes; they called her Snyder.

Q She had no Choctaw name that you know of? A No sir.

Q Did she speak Choctaw much? A Yes sir.

Q With whom did she talk it? A With the Indians.

Q How is it you didn't learn Choctaw? A I didn't that's all.

Q She didn't speak it all the time? A No sir.

Q Why didn't you? A Well, you see there were not very many Indians there they had all left.

Q You heard her speak English more than Choctaw? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from mixed parentage, partly white and partly Choctaw; she has black eyes and the features of an Indian- high cheek bones, dark complexion, dark skin, hair gray but straight and coarse- (says it used to be black). She does not understand or speak the Choctaw language now, has heard her mother speak it but never learned to talk it fluently. She has no knowledge of the compliance on the part of her ancestors with the provisions of

the fourteenth article of the treaty of 1830.

Henry S. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry S. Hains

Subscribed and sworn to before me this 14th day of November, 1901.

Chas Mitchell Hood,
Notary Public.

J. M.
J. R. B.
C. v. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Amanda Bramer, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Amanda Bramer	M.C.R. 3727
James Goodwyn	" 3728
Barbara Ann Lauderdale	" 3729

--- D E C I S I O N ---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Amanda Bramer for herself, by James Goodwyn for himself, and by
Tom J. Lauderdale for his minor child, Barbara Ann Lauderdale,
under the following provision of the act of Congress approved June
26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under articles fourteen of the Treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

(2)

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Betsey Snider (nee Burns), who is alleged to have been a full blood Choctaw Indian.

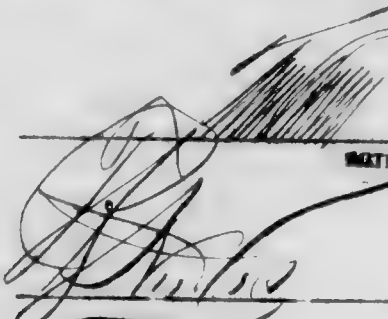
It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 381).

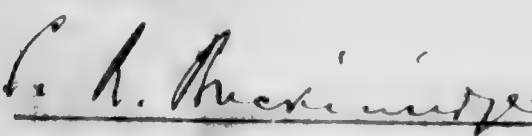
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Betsey Snider (nee Burns), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 100) and August 23, 1842 (5 Stats., 513).

(3)

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Bremer, James Goodwyn and Barbara Ann Lauderdale, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN


Commissioners.

Muskogee, Indian Territory,

JUL 24 1902

COPY.

M C R 3727.

Mankegoe, Indian Territory, July 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Amanda Bramer, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 24th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Amanda Bramer
James Goodwyn
Barbara Ann Isanderdals

M C R 3727
" 3728
" 3729

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. E. Neelice

Through the
Commissioner of Indian Affairs.
1 inclosure.

Commissioner in Charge.

COF

M.C.R. 3727.

Muskogee, Indian Territory, July 24, 1902.

Manafield, McMurray & Oernish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Bramer, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Bramer	M C R 3727
James Goodwyn	" 3728
Barbara Ann Lauderdale	" 3729

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Bramer, James Goodwyn and Barbara Ann Lauderdale, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Neelico.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 24, 1902.

Annada Brumer,

Albany, Indian Territory,

Dear Madam:

You are hereby advised that on the 24th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annada Brumer, et al., embracing the following applications for identification as Mississippi Choctaws:

Annada Brumer	M.C.R. 3727
James Gochroy	" 3728
Barbara Ann Leubertale	" 3728

These applications were made under the provision of the act of Congress of June 20, 1900 (30 Stat., 490) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annada Brumer, James Gochroy, and Barbara Ann Leubertale, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered,

(C O P Y)

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.

Land.
45112-1902.

Washington, Oct. 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated July 24, 1902, forwarding the record relative to the application of Amanda Bramer, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Amanda Bramer applies for the identification of herself; James Goodwyn applies for himself; and Tom J. Lauderdale applies for his minor child, Barbara Ann Lauderdale.

July 24, 1902, the Commission held that the parties above named were not entitled to identification.

The record in the case shows that the applicants claim descent from Betsey Snider, or Snyder, nee Burns, grandmother of principal applicant, Amanda Bramer. Annie Naper, nee Snider was the mother of said principal applicant.

The applicants are not of full blood, and the records of this office do not show that Betsey Snider (or Snyder) nee Burns,

or Annie Naper, nee Snider, received a patent of land under article 14 of the treaty of 1830, or that they complied or attempted to comply with the provisions of said article of the treaty, or that they applied to the Commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights, if any they had.

It is therefore respectfully recommended that the decision of the Commission be approved.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G.A.W. (S)

(C O P Y)

DC.19365-1902.

DEPARTMENT OF THE INTERIOR.

EAF.

Washington, October 16, 1902.

ITD.6101-1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:-

July 24, 1902, you transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, to wit: Amanda Bramer, James Goodwyn, and Barbara Ann Lauderdale.

The applicants endeavor to trace their descent from one Betsey Snider (nee Borns), alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that said Betsey Snider, or a less remote ancestor, complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stat., 513). You refused the applications July 24, 1902.

Reporting October 4, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

Finding no reason to disturb the decision rendered,
the Department hereby affirms it.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

E.M.D.

COPY

K.C.R. 3727.

Muskogee, Indian Territory, October 25, 1902.

Amanda Bramer,

Albany, Indian Territory.

Dear Madam:-

You are hereby advised that on the 16th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Bramer, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Respectfully,

(SIGNED)

Tamie Birby.
Acting Chairman.

M.C.R. 3727.

Muskogee, Indian Territory, October 25, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

Muskogee, Indian Territory.

Gentlemen:-

You are hereby advised that on the 16th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Bramer, et al., of which decision you were advised by mail on the 24th day of July, 1902.

Respectfully,

(SIGNED)

J. H. H. H.
Acting Chairman.

Consolidated Case
of
Amanda Brainer

REFER TO M. C. R. 3727

Betsy Burns f.b.
married
— Snyder

~~John Naper f.b.~~
~~(or Napper)~~

~~married~~
~~Annie Snider~~
~~(or Snider)~~

Annie Snider 75-f.b.

married
John Naper

mem
3727

① Amanda Naper 50- $\frac{1}{2}$

husband

① Tom Goodwyn dead

② — Bramer

Almeda D. Goodwyn
(or Goodwin)

married

Tom J. Landerdale 42-w-

mem
3127

Barbara A. Landerdale 6- $\frac{1}{8}$

mem
3721

James Goodwyn 21- $\frac{1}{2}$
(or Goodwin)

Bettie Goodwyn

(V) app. can testify that her mother's mother was Betsy
Burns who married a Snider.

No. 3727

For Identification as a Mississippi Choctaw.

Date OCT 10 1904

Name *Amanda Bramer*

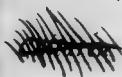
• Age *50* - Blood *1/2*

Post Office, *Albany, I. T.*

Father; *John Kaper, - d*

Mother: *Annie " d*

Claims through *mother -*
~~Husband~~



Claims for self alone,

Stenographer *H. G. Harris*

Choctaw MCR 3728

James Goodwyn

See MCR 3727

MCR 3728

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 10, 1901.

#3728.

In the matter of the application of James Goodwyn for
identification as a Mississippi Cheetaw.

Applicant not represented by Attorney.

James Goodwyn, being first duly sworn, upon his oath
testifies as follows:-

Examination by the Commission.

- Q What is your name? A James.
Q James what? A Goodwyn.
Q G-o-o-d-w-i-n? A G-o-o-d-w-y-n.
Q What is your age? A Twenty-one.
Q What is your Post Office address? A Albany.
Q Albany, Indian Territory? A Yes sir.
Q How long have you lived there? A Been there eight year.
Q Where did you live before that? A Mississippi.
Q Always lived in Mississippi till you came to the Indian Territory? A Yes sir.
Q Born in Mississippi? A Yes sir, I suppose so. That's what my mother tells me.
Q What is your father's name? A Tom Goodwyn.
Q Is he living or dead? A Dead.
Q What is your mother's name? A Amanda Bramer.
Q She is the same one who has just appeared for identification is she not, on this date, October 10? A Yes sir.
Q You claim through her? A Yes, sir.
Q Do you want to have her testimony considered and made a part of yours when yours is taken up for consideration? A Yes sir.
Q How much Cheetaw blood do you claim through your mother? A A quarter, I suppose.
Q Has she ever been recognized in any way or enrolled as a member of the Cheetaw Tribe of Indians by the Cheetaw Tribal Authority?

(2).

- or the United States authorities in the Territory? A Not that I know of.
- Q Are you married? A No sir.
- Q Claim for yourself alone do you? A Yes, sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No, sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities, the Dawes Commission, or the United States Court in Indian Territory? A No sir.
- Q Did you ever make application for citizenship before this time, to either the Choctaw Tribal Authorities----for citizenship in the Choctaw Nation, to the Choctaw Tribal Authorities or the United States Authorities? A No.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that treaty and that article? A I ought to. I have heard it read I guess a dozen times.
- Q Have you? A Yes.
- Q Well now, do you think you understand it as you have heard it read sufficiently well so that you can waive the reading of it now and explanation? A I think so.
- Q You think you can answer under it intelligently now without any further reading? A Yes, sir, I think I can.
- Q About how many times have you heard it explained and read? A Why I think yesterday afternoon and this morning a dozen times.
- Q Then the reading of it will be waived if you wish. As you understand it now from having heard it read so many times and explained can you say whether or not any of your ancestors complied with or attempted to comply with the provisions of this article fourteen? A I can't say. I don't know.
- Q What is the name of your ancestor who lived in Mississippi or Alabama in 1830 or about that time? A It would be my mother or grandmother, which would be named Snyder.
- Q Betsy? Betsy Snyder? A Annie, ain't it.
- Q No, not as your mother gave the testimony. Your mother's name is Amanda Bramer, her mother's name is Annie Haper, and her mother's name is Betsy Snyder. A Her mother's name was Annie Snyder and her grandmother, if I understand it---I don't know.
- Q Then you claim from Betsy Snyder, whose maiden name was Betsy Burns? A Yes sir.
- Q How much Choctaw blood did she have, Betsy Snyder? A I don't know sir.
- Q Did she live in Alabama or Mississippi in 1830? A Alabama I suppose.
- Q You claim through your mother, Amanda Bramer, do you? A Yes sir through my mother Amanda Bramer.
- Q And she claimed through which parent, father or mother? A Mother.
- Q Annie Haper? A Yes, sir.
- Q And she claimed through whom? A Annie Haper claimed through Betsy Snyder.
- Q Could Betsy Snyder speak the Choctaw language? A I don't know.
- Q Did she have any other name---any Indian name? A I don't know.

(3).

- Did any of your Choctaw ancestors own any improvement on land in Mississippi or Alabama in 1830? A I do not know.
- Q Did Betsy Snyder live in Mississippi or Alabama in 1830? A I suppose so.
- Q Did she have a family there at that time? A I don't know sir, couldn't say.
- Q This is your mother who has just testified, is it, Amanda Bramor? A Yes sir.
- Q You want her testimony considered with your own when yours is considered, so you can get the benefit of her testimony? A Yes sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory, between 1833 and 1838 with the other Indians? A I do not know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of them claim any land in Mississippi or Alabama from the Government under article fourteen of that treaty? A I don't know.
- Q Did they ever receive any land or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q In accordance with the provisions of the fourteenth article of the treaty of 1830, the United States Indian Agent, Colonel Ward was required by the Government to make a list of all Choctaw Indians who went to this Indian Agent within six months after the ratification of the treaty of 1830, and told him that they wanted to take land in Mississippi and become citizens of the States. This Indian Agent failed to record the names of all of the Indians that did this, leaving off the greater portion of the names of those who made declarations before him according to the provisions of article fourteen of that treaty. This caused so many complaints on the part of the Indians that the Government in 1837, by Act of Congress approved March 3, appointed a Commission which commission went to the state of Mississippi and heard a great many claimants under article fourteen, and made lists of favorable claimants who appeared before it. In 1842, another commission was appointed by Congress for the same purpose, and they made a list of successful claimants under article fourteen. Did any of your ancestors appear before either of these commissions and claim rights under article fourteen of that treaty? A I do not know.
- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian appeared before it, in case it should be found that he had complied with all the provisions of that article, if it also appeared that his land had been taken from him by the government, he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.
- Q Have you any documentary evidence that you want to introduce now in support of your claim? A Not that I know of.
- Q Or any proof of the marriage of your father and mother? A No sir.
- Q Do you know when they were married or by whom? A No sir.

(4).

Reasonable time will be allowed this applicant to introduce evidence in support of the application he makes for himself, and also proof of the marriage of his father and mother.

- Q You do not speak the Choctaw language do you, or understand it?
A No sir.
Q You claim one fourth Choctaw blood? A Yes sir.
Q Have you any other relatives who have ever appeared here except your mother who has just appeared? A Not that I know of.

This applicant has the appearance and physical characteristics of being descended from ancestry of white and Choctaw blood. He claims to be one fourth Choctaw. His mother, Amanda Bramer, who has just appeared before him, has the appearance of having considerable Choctaw blood. He also appears to have a strain of Choctaw blood. Has dark complexion, very dark eyes, and almost black hair. Has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause, and that the above and foregoing is a full true and correct transcript of his stenographic notes in the said cause on the 10th day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 9th day of November, 1901.

Charles H. Sawyer

Notary Public.

M.C.R. 3728.

COPY.

Muskogee, Indian Territory, July 24, 1902.

James Goodwyn,

Albany, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Bramer, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Bramer	M C R 3727
James Goodwyn	" 3728
Barbara Ann Lauderdale	" 3729

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Bramer, James Goodwyn and Barbara Ann Lauderdale, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. I. [illegible]

Commissioner in Charge

Registered.

COPY.

M.C.R. 3726.

Muskogee, Indian Territory, October 26, 1902.

James Goodwyn,

Albany, Indian Territory.

Dear Sir:-

You are hereby advised that on the 16th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Bramer, et al., of which decision you were duly advised by registered mail on the 24th day of July, 1902.

Respectfully,

(SIGNED)

James Bixby.
Acting Chairman.

No. 3728

For Identification as a Mississippi Choctaw.

Date OCT 8, 1901

Name James Goodwyn

Age 21 — Blood $\frac{1}{4}$

Post Office, Albany, I.T.

Father: Tom Goodwyn, d

Mother: Amanda Bramer, l

Claims through mother — —

Children:

Claims for self
alone —

See Before

Choctaw MCR 3729

Barbara A. Lauderdale

See MCR 3727

MCR 3729

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 10, 1901.

#3729.

In the matter of the application of Tom J. Lauderdale
for the identification of his minor child, Barbara Ann Lauderdale, as
a Mississippi Choctaw.

Applicant not represented by Attorney.

Tom J. Lauderdale, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Tom J. Lauderdale.
Q L-a-u-d-e-r-d-a-l-e .
Q You are a white man? A Yes sir, I am a white man I reckon.
That's what I claim to be. I am an intermarried citizen, though.
Q What is your name? A Tom J. Lauderdale?
Q What is your age? A I'll be forty-two the 19th day of November
if I live to see it---born in 1859.
Q You are a white man? A Yes, sir.
Q What is your Post Office address? A Bokchito, I. T.
Q That is in the Choctaw Nation? A Yes, sir.
Q What is your occupation? A Farming.
Q You are making application for your child, are you not, Barbara
Lauderdale? A Barbara Ann Lauderdale, yes sir.
Q Her mother is dead? A Yes, sir.
Q What was her mother's name? A Almada Dorintha.
Lauderdale? A Yes, sir.
Q D? A Yes, sir.
Q Lauderdale. She's dead you say? A Yes sir, she's dead.
Q When did she die? A She died October 24, 1897.
Q How old was she when she died? A I don't know her age exactly.
I reckon she was about twenty-four. I could tell if I was at
home but I disremember at present.
Q How old is Barbara Ann? A She'll be---she was born April 11, '98

(2).

- Q Six years old? A Be seven next April 11th.
- Q What is your wife's father's name? A Tom Goodwyn.
- Q Tom Goodwyn? A Yes sir.
- Q G-e-o-d-w-y-n, isn't it? A Yes sir, I think that's the way you spell it.
- Q He is dead, is he? A Yes sir, he's dead.
- Q How much Choctaw blood did he have? A I don't think he had any.
- Q He was white? A He looked white.
- Q What is the mother's name? A Amanda. That's her mother here.
- Q Amanda Goodwyn? A Yes sir.
- Q One half Choctaw? A Claimed to be.
- Q How through which parent did Amanda claim her Choctaw blood? A Her mother, I think.
- Q What was her mother's name? A Annie Snyder.
- Q Which parent did she claim through, father or mother. A My daughter?
- Q No, Annie Snyder? A I don't know.
- Q Did you ever hear she claimed through Betsy Snyder? A Yes sir.
- Q Then you are claiming through Betsy for this child, are you? A Yes sir.
- Q You know very little about it except what you have been told? A I don't know anything about it. That's too far back. It was in one state and I was born and raised in another.
- Q How much Choctaw blood do you claim for this child, Barbara? A One eighth, I suppose. Her mother claimed to be a fourth.
- Q Did you ever hear her mother state that she had Choctaw blood? A Yes, sir.
- Q Did she say she had a fourth? A Did which? I can't hear for that typewriter, it bother's me.
- Q Did she say she had a fourth? A Yes sir, yes sir.
- Q Did you wife have a brother James Goodwyn? A Yes sir.
- Q He appeared to-day did he not? A Yes sir, that's him right there.
- Q He is an uncle of this child? A Yes sir, own uncle.
- Q And grandmother named Amanda Bramer? A Yes sir.
- Q She claimed to have one half, and is the grandmother of this child? A Yes sir.
- Q A daughter of Annie Snyder? A This lady is, yes sir.
- Q The grandmother? A Yes sir.
- Q When and where were you married to your wife? A I was married July 1, '94.
- Q By a minister under a license? A Yes sir, by a fellow by the name of Stole, down here between Albany and Wade.
- Q Minister? A Yes sir, minister of the Gospel.
- Q Have you your marriage license and certificate? A I think they are at home in the trunk.
- Q You think you can produce it? A Yes sir, think I can. They come from South McAlester.
- Q Is the name of this child on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did any one ever make application for her for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Anybody ever make application for her to the Daves Commission under the Act of Congress of June 10, 1896? A This is the first ever made.
- Q First of any kind? A First of any description.
- Q Do you now make application for this child for identification as a Mississippi Choctaw under article fourteen of the treaty of 1830? A I suppose so. I don't understand the article.

(3).

- Q You don't understand that? A No sir, but I don't want anything but straight business if I know it.
- Q Well, the treaty of Dancing Rabbit Creek, called the treaty of 1830 also, because it was made in that year, at a place called Dancing Rabbit Creek, in Mississippi----it was made for the purpose of effecting the removal of all of the Choctaw Indians from Mississippi and Alabama to the New Choctaw Nation in the Indian Territory. Before the treaty was signed it became evident that a good many Choctaw Indians wouldn't come here, and in order to protect their interests, those who stayed back there, article fourteen was put into the treaty. Article fourteen was put into the treaty for the especial benefit of the Mississippi Choctaw. Now that article reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue: said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you claim for this child under that article? A I claim just as these others all claim, whatever they claim.
- Q Well, under that article then? A Just as they claim.
- Q Well you must claim. This is your claim. You have got to claim for yourself with your own understanding what you are claiming. A Well, I just claim the right through them.
- Q But I have read and explained to you Article fourteen. A Let me read it. I didn't pay much attention to it.
- Q Well, you must pay attention? A I can read it.

Applicant reads Fourteenth Article.

- Q You understand that do you not? A Yes sir, I claim under that.
- Q Do you know whether any of the ancestors of this child complied or attempted to comply with that article fourteen as read. As you understand it? A No sir, I do not.
- Q What is the name of the ancestor through whom you claim, Betsy Snyder----for this child? A Betsy Snyder.
- Q Yes? A I never seen Betsy Snyder.
- Q I know you didn't but you heard about her, and you heard what they testified as being an ancestor of this child who claims the same blood? A All I know is this----Betsy Snyder was her name in Alabama. I never seen her----born and raised in Mississippi.
- Q Manda Bramer is the grandmother of this child. James Goedwyn is the uncle. They both appeared for identification to-day and

(4).

- claimed through Betsy Snyder as an ancestor. Do you claim through the same ancestor for this child? A Yes, sir.
- Q Well now, did any of the ancestors of this child ever live in Mississippi or Alabama? A Yes sir.
- Q Which, do you know? A Her grandmother there lived in Mississippi.
- Q Lived in Mississippi? A Yes sir.
- Q And her mother lived there also? A Yes sir.
- Q And her mother lived there also? A Yes sir.
- Q That is Annie Snyder? A Amanda Goodwyn, yes.
- Q Amanda Goodwyn and her mother? A Annie Snyder was her mother's name so she said.
- Q The mother of Amanda Bramer, what was her name? A Annie Snyder.
- Q She lived in Mississippi, did she? A No sir, Alabama.
- Q Now did any of the ancestors of this child have any improvement on land in Mississippi or Alabama in 1830. A I don't know sir. If they owned any in Mississippi I never heard of it.
- Q Did any of the ancestors of this child go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of them within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward that they intended to stay in Mississippi and take land there and become citizens of the United States? A Can't say---I don't know.
- Q Did any of them claim or receive any land in Mississippi or Alabama as Choctaw Indians? A How's that?
- Q Did any of them claim or receive any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of them receive or claim any land in Alabama or Mississippi under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I do not know.
- Q In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government directed the Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States, but the records of the Government show that this Agent failed to register and report to the Government the names of many Choctaw Indians who did signify to him their intention of remaining in Mississippi and taking advantage of that article fourteen of that treaty. On this account in many instances the Indians who had improvements and which they desired reserved for them under that article, were sold by the government at Public Land Sales, and the Choctaws were deprived of their land. This action of the Government caused many complaints and the matter was brought to the attention of Congress, and Congress passed an Act providing for the appointment of a Commission. This Commission went to Mississippi and heard claimants under article fourteen of the treaty and approved the claims of a good many, putting their names upon lists. In 1842 another commission was appointed for the same purpose, and they also made lists of successful claimants under article fourteen. Do you know if any of this child's ancestors appeared before either of these two commissions and claimed benefits as Choctaw Indians under article fourteen? A I do not know anything about it.
- Q The Act of Congress approved August 23, 1842, provided that in

(5).

case it should be finally determined that a Choctaw Indian had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been taken from him, he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, and that he should receive a certificate to that effect. These certificates were called scrip. Did any of your Choctaw ancestors, or the Choctaw ancestors of this child rather, receive any such scrip from the Government as Choctaw Indians? A I do not know.

- Q Have you any documentary evidence that you want to file now in support of this claim you make for this child? A Well, only this the people over there in Mississippi where her mother was raised.
- Q I mean any papers, anything in writing you want to give me now, in support of your claim? A Not that I know at present.
- Q You haven't anything now? A Not at present.

Reasonable time will be allowed this applicant in order that he may file with the Commission any documentary evidence he may desire to present in support of the claim which he makes for his child Barbara A. Lauderdale.

- Q She doesn't speak Choctaw? A No sir, she speaks English.

This child appearing before the Commission has the appearance of being descended from white parentage in her general physical characteristics. Her grandmother who has appeared before the Commission to-day has dark hair eyes and complexion showing Indian blood, also her uncle, James Goodwyn. But this child is light, light hair, light complexion, bluish gray eyes. She does not understand the Choctaw language, and her father who is this applicant, Tom J. Lauderdale, has no knowledge of a compliance on the part of the ancestors of this child with the provisions of article fourteen of the treaty of 1830.

Hal Belford, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on October 10, 1901.

Hal Belford

Subscribed and sworn to before me this 7 day of November, 1901.

Charles H. Sawyer

Notary Public.

COPY.

Washkee, Indian Territory, July 24, 1902.

Barbara A. Lauderdale,

Bokshito, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Bramer, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Bramer	M C R	3727
James Goodwyn	"	3728
Barbara Ann Lauderdale	"	3729

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Bramer, James Goodwyn and Barbara Ann Lauderdale, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

T. B. Needles

Commissioner in Charge.

Respectfully,

COPY.

M.C.R. 3729.

Muskogee, Indian Territory, October 25, 1902.

Barbara A. Lauderdale,

Bokchito, Indian Territory.

Dear Madam:-

You are hereby advised that on the 16th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Amanda Bramer, et al., of which decision you were duly advised by registered mail on the 24th day of July, 1902.

Respectfully,

(SIGNED)

Tame Dixie.
Acting Chairman.

3729

1902





Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Barbara A. Lauderdale
Barbara A. Lauderdale,

Bokchito,

Indian Territory.

No. 3729

For Identification as a Mississippi Choctaw.

Date OCT 6 1901

Name Tom J. Landers
for child, Barbara A. Landers
Age 42 Blood WHITE

Post Office, Pokchito, D. T.

Father: Tom. J. Landers

Mother: Almada H. " d
Child

Claims through mother

father of Almada H. "

Tom Hoodway W. d

Almada " 12 ch. d.

Children:

1/8 ch.

Barbara A. Landers, 6

Claims for
his child -

Stenographer Nat. B. Ford.

100

• r n

21, . . .

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

Choctaw MCR 3730

Martha A. Webb

See MCR 3726

MCR 3730

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 10, 1901.

#5730.

In the matter of the application of Martha Alice Webb,
for the identification of herself and her four minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

Martha Alice Webb, being first duly sworn, upon her
oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Martha Alice Webb.
Q W-e-b-b? A Yes sir.
Q You claim through the same ancestor that Benjamin F. Davis claims
through----through Nick Davis? A Yes sir.
Q What is your age? A Twenty-two.
Q What is your Post Office address? A Telephone, Fannin County,
Texas.
Q Telephone? A Yes, sir.
Q How long have you lived in Telephone? A Why, we moved there the
10th of December----January.
Q 10th of last January? A Yes sir.
Q Where did you live before that? A We lived in Fannin County
round about Honey Grove.
Q Honey Grove, Texas? A Yes sir.
Q And always have lived in that State? A Yes sir.
Q What is your father's name? A Benjamin Franklin Davis.
Q Is he the same Benjamin F. Davis who appeared for identification
here to-day, October 10, before the Commission for identification
as a Mississippi Choctaw? A Yes sir.
Q Do you want to have your testimony considered with his so that
you may get the benefit of what he has testified to when yours is
examined? A With his'n?
Q Yes. You want to have it all taken together so you can get the
benefit of what he says? A Yes sir.
Q What is your mother's name? A Laura Marzee Davis.
Q Laura what? A Marzee.
Q M? A Yes, L. M.
Q Laura L. M. Davis, is that right? A Yes sir.

- Q She is living or dead? A She's living.
- Q Through which parent do you claim Choctaw blood? A Father.
- Q How much do you claim? A One eighth.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Webb---George Webb.
- Q Is he a white man or an Indian? A He's a white man.
- Q Do you make any claim for him? A No sir.
- Q Have you any children you want to make application for? A Yes sir, I have four.
- Q What is the eldest? A Floyd Webb.
- Q Floyd? A Yes sir.
- Q He is how old? A Six years old.
- Q Next? A Laura Caroline.
- Q What is that? A Laura Caroline---four.
- Q What is her age? A She's four years old.
- Q The next? A Elza May.
- Q Elza what? A Elza May.
- Q How old? A Two years old.
- Q Next? A William Carroll.
- Q William what? A Carroll.
- Q How old? A Two months old.
- Q You claim for yourself and children? A Yes sir.
- Q When and where were you married to George Webb? A I was married in 1893.
- Q What day of the month? A The 7th of January.
- Q The 7th of January, 1893? A Yes sir, in Hunt County.
- Q Were you married by a minister under a license? A Yes sir.
- Q When and where were your father and mother married? A Why, they married in Hunt County.
- Q When? A Why, I disremember when---'76.
- Q Day of the month? A I don't know.
- Q You will want to prove if you can the fact of the marriage of your father and mother. You can file papers later on. Certified copies of the papers or affidavits of witnesses who were present at the marriage.
- Q Is your name or the names of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities for yourself and these children? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes or for the identification as Mississippi Choctaws of yourself and your oldest child, Floyd Webb? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the United States Court in Indian Territory, or the Dawes Commission---either yourself or your children? A No sir.
- Q You never have? A No sir.
- Q Is this the first application of any kind that you have ever made for the identification or for the enrollment of yourself and children? A Yes sir.
- Q Do you now seek to be identified as a Mississippi Choctaw and seek to have your children identified as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

(3).

- Q You understand that treaty? A Yes sir.
- Q Do you understand that article. You have heard it read here several times yesterday and to-day. Now do you think you understand that sufficiently without it being further read or explained? A I don't know whether I do or not hardly.
- Q The treaty of 1830 was made between the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and partly in Alabama at that time, and the United States Government. The object of that treaty was the removal of all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the New Choctaw Nation in the Indian Territory. Before the treaty was signed it became known beyond any question that a great many of the Choctaw Indians would like to stay back there in Mississippi, and would not come to the Indian Territory, and so in order to protect their interests article fourteen was put into the treaty. Article fourteen was satisfactory to the Indians who stayed in Mississippi, and also to the rest of the Indians and the United States. It was inserted into the treaty, and the treaty was signed and ratified. Article fourteen reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article? A Yes sir.
- Q You claim under that article then for yourself and children, do you? A Yes sir.
- Q Do you know if any of your Choctaw ancestors ever complied or attempted to comply with the provisions of this article fourteen as you have heard it read----do you know? A Nothing only what I have heard.
- Q Just what you have heard. What is the name of your ancestor through whom you claim your Choctaw blood? A Benjamin----let's see----I have forgot.
- Q Well here, you claim through your father don't you? A Yes sir.
- Q Benjamin F. Davis----he claims through which of his parents, his father or mother? A His father.
- Q What is his father's name? A Benjamin Harris----No----.
- Q Don't you know your father's father's name----your grandfather's name? A Well, I know it but I have just forgotten.
- Q Well, I will refresh your memory and see if you can remember it. Benjamin F. Davis testified that his father's name was Benjamin H. Davis. That would be your grandfather. Do you know whether

- That is right now? A No, only what I have heard.
- Q Well, don't you know your grandfather's name when it is repeated to you, or are you so mixed up that you can't remember? A I have got mixed up right sharply.
- Q Well now, if it is Benjamin H. Davis, through whom does he claim father or mother----don't you know? A No sir, I can't make it out.
- Q Didn't you ever hear what his father's name was? A Yes sir.
- Q Didn't you ever hear of Mick Davis? A Yes sir.
- Q Is that it now? A Yes sir, that's his grandfather's name.
- Q Well, who was Mick Davis' son then? A I can't tell you that.
- Q You can't recollect now? A No.
- Q Well, if you don't know just say so. A Well, I don't know.
- Q What is the name of your ancestor who lived in Mississippi or Alabama, do you know? A Why, my great-grandfather was Nick.
- Q Was Mick? A Yes sir.
- Q Mick Davis was it? A Nick.
- Q Nick? A Yes sir.
- Q Did Nick Davis, or any of your Choctaw ancestors live in Mississippi or Alabama? A I think they lived in Mississippi.
- Q What is that, I didn't hear you? A Well, I don't know.
- Q All right then, if you don't know. Did any of your Choctaw ancestors ever claim or own any improvement on land in Mississippi or Alabama in 1830 or any time before that? A I don't know.
- Q Did any of your Mississippi Choctaw ancestors within six months after the ratification of the Treaty of Dancing Rabbit Creek, tell the United States Indian Agent, Colonel Ward, that they preferred to stay in Mississippi and take land there? A I don't know.
- Q Did any of them ever claim or receive any land in Mississippi as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them go from Mississippi or Alabama to the Choctaw Nation Indian territory with the other Indians, between 1833 and 1838? A I don't know.
- Q Did any of them ever claim or receive any land or any other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of the treaty? A Not as I know of.
- Q In accordance with the provisions of the treaty of 1830 the United States Indian Agent who lived in Mississippi at that time, whose name was Colonel Ward, was instructed by the Government to make a list of the names of all Choctaw Indians who claimed rights under article fourteen of the treaty of 1830 within six months from the ratification of that treaty, but this Agent neglected to do as the Government instructed him and made a list of the names of very few of the total number of Choctaw Indians who claimed rights under article fourteen within the time limited by that article. This neglect on the part of the Indian Agent caused a great many complaints among the Choctaw Indians, and in 1837, Congress appointed a Commission, by Act of Congress approved March 3rd of that year, and this commission went to Mississippi and heard Choctaw Indians who claimed rights under article fourteen and made a list of the successful claimants. In 1842 another Commission was appointed for the same purpose, and that commission also made lists of successful Choctaw claimants under article fourteen. Did any of your ancestors appear before either of those Commissions and claim any benefits under article fourteen? A Not as I know of.

(5).

- Q The Act of Congress approved August 23, 1842, provided that in case it appeared that a claimant proved his claim before that Commission of 1842, and if it further appeared that his land had been taken from him, it was decided that he should receive land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate should be issued to him to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know sir.
- Q Have you any documentary evidence you want to introduce now in support of your claim? A No, sir?
- Q Reasonable time will be allowed this applicant in which to introduce documentary evidence to prove her claim and the claim she makes for her children. Also proof of the marriage of her father and mother. A Well here's a paper.

This applicant introduces a certified copy of the affidavit of J. F. Dees, which is received by the Commission, filed, marked exhibit "A", and made a part of the record in this case.

Also statement of J. L. Rappolee introduces by applicant, received, filed, marked exhibit "B", and made a part of the record in this case.

- Q Do you speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has dark eyes, dark brown hair, and dark complexion. She does not understand or speak the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, at Atoka, Indian Territory, on October 10, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 9 day of November, 1901.

Charles H. Langston

Notary Public.

COPY.

Muskogee, Indian Territory, August 8, 1902.

Martha A. Webb,
Telephone, Texas.

Dear Madam:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Benjamin F. Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| Benjamin F. Davis, et al., | M.C.R. 3726 |
| Charley Benette Kiser, et al., | " 3731 |
| Martha Alice Webb, et al., | " 3730 |
| Georgia Ann Freeman, et al., | " 3732 |

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M A W _____ 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin F. Davis, Lillie J. Davis, John F. W. Davis, Oscar F. Davis, Charley Lunette Kiser, Clarence Otho Kiser, Martha Alice Webb, Floyd Webb, Laura Caroline Webb, Elsa May Webb, William Carroll Webb, Georgia Ann Freeman and Bertha Maud Freeman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James H. Smith
Acting Chairman.

Registered.

M. C. R. 3730

COPY.

Muskogee, Indian Territory, November 5, 1902.

Martha A. Webb,

Telephone, Texas.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Benjamin F. Davis, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

The Secretary of the Interior directs the Commission to furnish the several applicants in this consolidated case with copies of his letter of October 28, 1902, affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs of October 20, 1902, reporting on the same, and copies of the same are herewith inclosed you.

Respectfully,

(SIGNED)

James Dixby.
Acting Chairman.

Enc. MB 3.

77777

REPORT IN REPLY TO THE FOLLOWING:

MCR-3730

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

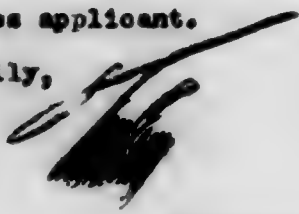
Muskogee, Indian Territory, October 9, 1906.

Martha A. Webb,
Telephone, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on September 18, 1906, denied the motion heretofore filed with the Department by E. A. Walker, attorney at law, Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Benjamin F. Davis et al., in which case you and your children are parties applicant.

Respectfully,



Commissioner.

2730

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS, WASHINGTON TO THE FIVE CIVILIZED TRIBES

FILED

SEP 23 1902

[Handwritten signature]

ACTING CHIEF





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

15



DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

FILED

JAN 16 1907

A handwritten signature, likely of the Commissioner, written in dark ink.

Commissioner

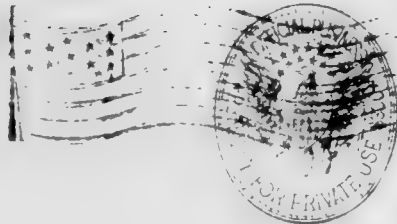


Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

M.C.R.
3730



3230
For Identification as a Mississippi Choctaw.

Date OCT 10 1901

Name Martha A. Webb.

Age 22 - Blood $\frac{1}{8}$

Post Office, Telephone, Texas.

Father: Benjamin F. Davis, l.

Mother: Laura M. Davis, l.

Claims through father —
~~Husband~~ George Webb, w.

No claim for husband.

Children:

| | |
|--------------|------|
| Floyd Webb. | 6 |
| Laura C. " | 4 |
| Eliza M. " | 2 |
| William C. " | 2 m. |

Claims for self
& children.

Stenographer

A. G. Harris.

Choctaw MCR 3731

Charley L. Kizer

See MCR 3726

MCR 3731

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 10, 1901.

#3791.

In the matter of the application of Charley Lunette Kiser for the identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by Attorney.

Charley Lunette Kiser, being first duly sworn, upon her oath testifies as follows:-

Examination by the Commission.

- Q What is the name? A Charley Lunette Kiser.
Q How do you spell that? A C-h-a-r-l-e-y.
Q K-i-s-e-r? A Yes sir.
Q What is your age? A Twenty-four years.
Q What is your Post Office address? A Grantham.
Q What? A Grantham, Indian Territory---S-r-a-n-t-h-a-m.
Q How long have you lived there? A I have lived there two years.
Q Where did you live before you lived there? A I lived over in---
over near Sile, in the Indian territory---lived two years at
Sile.
Q Sile, Indian Territory? A Yes, sir.
Q Where did you live before that? A Lived in Texas.
Q How long did you live in Texas? A I lived there all my life
until I came to the Territory.
Q Where were you born, in Texas? A Hunt County.
Q What is your father's name? A What is my father's name?
Q Your father's name, yes? A Benjamin Franklin Davis.
Q What is your mother's name? A Laura Lucie Davis.
Q Laura L. M. Davis, isn't it? A Yes sir.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One eighth.
Q Is your father the same Benjamin F. Davis who appeared to-day,

(2).

- October 10, for identification as a Mississippi Choctaw? A Yes sir.
- Q Do you want to have your case considered with the testimony given in his case, and also the testimony given in the case of Martha A. Webb, so that you can get the benefit of what they have testified to in your case? A Yes.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Tom Kiser.
- Q Is he a white man? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q Have you any children you want to claim for? A Yes sir, I have one.
- Q What is that child's name? A Clarence Otho.
- Q Clarence what? A Otho.
- Q How old is he? A Six years old.
- Q Is Tom Kiser the father of Clarence O? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q Is the child living with you at your home? A Yes sir.
- Q When and where were you married to Tom Kiser? A I was married in Hunt County----I been married eight year.
- Q Eight year? A Yes sir.
- Q By a minister under a license? A Yes sir.
- Q What day of the month? A The 25th of June.
- Q You claim for yourself and this child do you? A Yes sir.
- Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and child, to the Choctaw Tribal Authorities? A No, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation with your child, either by the Choctaw Tribal Authorities, the Dawes Commission, or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified and to seek the identification of this child as Mississippi Choctaws under article fourteen of the treaty of 1830. A Yes sir.
- Q Do you understand it? A Yes sir.
- Q You have heard it read a number of times have you not? A Yes sir.
- Q And explained? A Yes sir.
- Q Do you think now that you have a sufficient understanding of that article so that you can claim under it without a further reading or explanation? A Yes, sir.
- Q Well, then, as you understand it, as you have heard it explained, and read to you, do you know whether any of your Choctaw ancestors ever complied or tried to comply with the provisions of that article fourteen? A No, sir.
- Q What is the name of your Choctaw ancestor who lived in Mississippi in 1830, or Alabama, and was a recognized member of the Choctaw Tribe of Indians, if you know. A I don't know, sir.
- Q You claim through your father don't you? A Yes sir.
- Q How he claims through which parent, father or mother? A Father.
- Q What is his father's name? A Benjamin Howard

(3).

- " Benjamin what? A Howard.
- Q Benjamin Howard----Benjamin Howard Davis, wasn't it? A Yes sir.
- Q How Benjamin Howard Davis claimed through whom, his father or mother? A Father.
- Q What was his father's name? A Nick.
- Q Nick Davis? A Yes sir.
- Q How did Nick Davis ever live in Mississippi or Alabama? A I couldn't tell you.
- Q What did you ever hear about it----anything? A They lived in Mississippi.
- Q Do you know when? A No sir.
- Q Was Nick Davis the head of a family in Mississippi in 1830 do you know? A No sir.
- Q Did you say he wasn't or you don't know. A I don't know.
- Q Was he a Choctaw Indian? A Yes sir.
- Q How much Choctaw blood, do you know? A He was a full blood, I think.
- Q You always heard that, did you, in the family? A Yes sir, always taught that.
- Q Have you any other evidence that he was a full blood except what you have heard in the family? A No sir.
- Q Did he have a Choctaw name----any other name than Nick Davis? A No sir, not that I know of.
- Q Do you know when he died? A No sir.
- Q Or where he died? A No sir.
- Q Your father is how old? A Forty-seven.
- Q Forty-seven? A Yes sir.
- Q And he was born where----do you know? A No sir.
- Q Do you know when his father died----Benjamin H. Davis? A No sir.
- Q Or where? A No sir.
- Q Or how old he was when he died? A No sir.
- Q Do you know when his father died? A No sir.
- Q You don't know very much about these ancestors do you, these Choctaw ancestors in a direct line back to Nick Davis? A No not only what I have been taught.
- Q You always have been told in the family you had some Choctaw blood and it come down from Nick Davis? A Yes sir.
- Q Did they ever go from Mississippi or Alabama to the Choctaw Nation in the Indian Territory, with the other Indians, between 1833 and 1836? A I don't know.
- Q Did any of them within six months from the ratification of the treaty of 1830 tell the United States Indian Agent who lived in Mississippi at that time, that they intended to stay in Mississippi and take land there? A No sir, I don't know.
- Q Did any of them ever claim or receive any land from the Government under the treaty of 1830? A No sir.
- Q Did they ever claim or receive any land under any other provision or article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q In accordance with the provisions of article fourteen of the treaty of 1830, the United States Indian Agent of the Choctaw Indians who lived in Mississippi was told by the Government to make a list of all of the Choctaw Indians who went before him within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. The United States Indian Agent failed to do this, because he recorded the names of only a very few of the total number of Choctaw Indians who claimed rights under article fourteen within the time limited by article fourteen, and the result was that a

(4).

great many Indians who had land in Mississippi and Alabama had that land taken from them by the Government, and they lost both the land and the improvements. This caused a great deal of distress among the Indians and a great many complaints were made, and as a result of these complaints in 1830 Congress by an Act approved March 3rd of that year, appointed a Commission which Commission went to the State of Mississippi and heard a great many Choctaw claimants under article fourteen and made a list of successful claimants. In 1842 another Commission was appointed for the same purpose, and lists were made by it of successful claimants under article fourteen of that treaty. Do you know whether any of your Choctaw ancestors appeared before either the commission or 1837 or the Commission of 1842 and claimed any benefits under article fourteen of that treaty? A No sir.

Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had applied to that Commission who had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate should be issued to him to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A No sir.

Q Do you speak Choctaw? A No sir.

Q Understand it? A No, sir.

Q Have you any documentary evidence that you want to introduce now? A Yes sir.

Certified copy of the affidavit of J. B. Beas, presented by applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

Sworn statement of J. L. Rappelee, presented by applicant, received, filed, marked exhibit "B", and made a part of the record in this case.

Reasonable time will be given this applicant for the filing of proper proof in her case if she desired.

Hal Belford being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, at Atoka, Indian Territory, On October 10, 1901 and that the above and foregoing is a full true and correct

(5).

transcript of his stenographic notes in said cause on the said day of October, 1901.

Walter Belford

Subscribed and sworn to before me this 9th day of November, 1901

Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, August 8, 1902.

Charley L. Kiser,
Grantham, Indian Territory.

Dear Madam:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Benjamin F. Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| Benjamin F. Davis, et al., | M.C.R. 3726 |
| Charley Lunette Kiser, et al., | " 3731 |
| Martha Alice Webb, et al., | " 3730 |
| Georgia Ann Freeman, et al., | " 3732 |

These applications were made under the provision of the act of Congress of June 23, 1900, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 24 written of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

C L K 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin F. Davis, Lillie J. Davis, John T. W. Davis, Oscar F. Davis, Charley Lunette Kiser, Clarence Otha Kiser, Martha Alice Webb, Floyd Webb, Laura Caroline Webb, Elsa May Webb, William Carroll Webb, Georgia Ann Freeman and Bertha Maud Freeman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Samuel D. Dyer

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, November 5, 1902.

Charley L. Vizer,
Grantham, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Benjamin F. Davis, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

The Secretary of the Interior directs the Commission to furnish the several applicants in this consolidated case with copies of his letter of October 28, 1902, affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs of October 20, 1902, reporting on the same, and copies of the same are herewith enclosed you.

Respectfully,

SIGNED

Samuel D. Dwyer,
Acting Chairman.

Enc. MB 4.

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REFER IN REPLY TO THE FOLLOWING:

MCR-3731

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 9, 1906.

Charley L. Kiser,

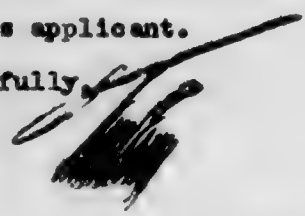
No such Postoffice

Grantham, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 18, 1906, denied the motion heretofore filed with the Department by E. A. Walker, attorney at law, Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Benjamin F. Davis et al., in which case you and your children are parties applicant.

Respectfully,



Commissioner.

For Identification as a Mississippi Choctaw.

Date

OCT 10 1901

Name Charley L. Kizer

Age 24

Blood 1/8

Post Office, Grantham, D. T.

Father: Benjamin F. Davis, I

Mother: Laura L. M. Davis, I

Claims through

~~Husband~~ ~~from~~ father -
Kizer, w.
No claim for hus-
band

Children: -

Clarence O. Kizer - 6

Claims for sup
and chieft -

Stenographer

Wm. B. Belford

Choctaw MCR 3732

Georgia A. Freeman

See MCR 3726

MCR 3732

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 10, 1901.

#3752.

In the matter of the application of Georgia Ann Freeman for the identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by Attorney.

Georgia Ann Freeman, being first duly sworn, upon his oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Georgia Ann Freeman.
Q Georgia is it? A Yes sir.
Q What is the last name? A Freeman is the last name. F-r-e-e-m-a-n.
Q What is your age? A Nineteen.
Q What is your Post Office address? A Telephone, Fannin County, Texas.
Q How long have you lived there? A Eight months.
Q Where did you live before that? A Lived down close to Honey Grove, in Fannin County.
Q Did you always live in Texas? A Yes sir, I was born and raised in Texas.
Q In what County? A Hunt.
Q Went from Hunt to Fannin? A Yes, sir.
Q What is your father's name? A My father's name?
Q Yes? A Benjamin Franklin.
Q He appeared for identification to-day, did he not? A Yes sir.
Q And also your sister, Charley L. Kiger? A Yes sir.
Q And your sister Martha A. Webb? A Yes sir.
Q Do you want to have their testimony given before the Commission to-day October 10, as claiming through the same common ancestor Nick Davis, to be considered with yours that you may get the benefit of what they have said in their testimony? A Yes sir.

(2).

- Q You claim through your father, do you not? A Yes sir.
- Q What is the mother's name? A Laura Harzee.
- Q L-a-u-r-a ? A Yes sir.
- Q Laura L. M. is it? A Yes sir.
- Q Is she living? A Yes.
- Q How much Choctaw blood do you claim through your father? A One eighth.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A George William Freeman.
- Q Is he a White man? A He is a white man.
- Q Do you make any claim for him? A No sir.
- Q Have you any children you want to make application for? A One.
- Q What is the name of that child? A Bertha Maud Freeman.
- Q Bertha M? A Yes sir.
- Q How old is she? A Eleven months old.
- Q Is George W. Freeman the father of this child? A Yes sir.
- Q This child is living with you at your home, I suppose? A Yes sir.
- Q When and where were you married to your husband? A In Fannin County.
- Q When? A In '98.
- Q What day of the month? A July 9th.
- Q Under a license by a minister? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application to the Dawes Commission under the Act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw nation? A Yes sir.
- Q Do you now come before the Commission to seek to be identified as a Mississippi Choctaw and to obtain the same right of identification for your minor child under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you think you understand that article of that treaty? A Yes sir.
- Q How many times do you think you have heard that explained and read? A Why, I have heard it several times.
- Q More than a dozen haven't you? A Yes sir.
- Q And you think now that you understand it well enough to waive the reading of it at the present time? A Yes sir.
- Q It will be read to you if you wish it, but if you think you understand it you have a right to waive its reading? A Yes sir.
- Q You do that, do you? A Yes sir.
- Q Now do you know whether any of your ancestors ever complied with or attempted to comply with article fourteen of that treaty as you have heard it read and explained? A No sir, I don't know.
- Q Well, do you know anything about whether they did or not? A No sir.

(3).

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw. A Well, my grandfather's name is Benjamin Howard Davis, and my great-grandfather's name is Nick Davis.
- Q Now, which of your ancestors, if any, lived in Mississippi or Alabama in 1830? A Well, I don't know sir.
- Q Do you know of any of them as having lived in Mississippi or Alabama? A No sir.
- Q Did you ever hear that any of your kin folks did live in Mississippi? A Yes, sir, My father tells me that his father and his grandfather lived in Mississippi and Alabama too.
- Q His father is what? A Benjamin Howard.
- Q And his father is Nick? A Yes sir.
- Q Did your father tell you that they lived in Mississippi? A Yes-sir.
- Q Did he tell you when they lived there? A No sir.
- Q Do you know when your grandfather died? A No sir, I don't know.
- Q Or how old he was when he died? A No sir.
- Q Or where he died? A He died in Mississippi.
- Q But you don't know when? A No sir. I believe it was in Mississippi he died, I won't be sure, but I believe he did.
- Q Well, do you know when his father died or where? A No sir. I don't know any farther back.
- Q How much Choctaw blood did you ever hear Nick Davis had? A He was full blood.
- Q Full blood? A Yes sir.
- Q And then your father's father would have? A Half blood.
- Q Yes, and your father a quarter blood? A Yes sir.
- Q And you an eighth? A Yes sir.
- Q You can't state anything more about any of your ancestors than you have already testified? A No sir, I can't tell any more.
- Q Have you any documentary evidence of any kind that would throw any more light on this question as to whether you are lineally descended from a Mississippi Choctaw Indian who complied with article fourteen of the treaty of 1830, and who was a resident of Mississippi and the head of a family in 1830? A No sir, I don't know.
- Q Those are some of the points that you want to prove if you can. Did any of your Choctaw ancestors own any improvement on land in Mississippi or Alabama in 1830 or any time before that? A I don't know sir.
- Q Did any of your Mississippi Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Mississippi Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek tell the United States Indian Agent, Colonel Ward, that they wanted to stay in Mississippi and take land there? A I don't know sir.
- Q Did any of them ever claim or receive any land in Mississippi as Choctaw Indians under article fourteen of that Treaty? A I don't know sir.
- Q Did any of them ever receive or claim any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q A Commission was appointed in 1837 by Act of Congress approved August 3rd of that year, and it was the duty of that Commission to go to Mississippi and hear all Mississippi Choctaw claimants who claimed rights under article 14 of the treaty of 1830, and this they did and made lists of successful claimants. In 1842

(4).

another commission was appointed for the same purpose and they heard claimants under article fourteen of the treaty of 1830 and made a list of successful claimants. The reason why these two Commissions were appointed and did make these lists was because Colonel Ward, the United States Indian Agent in Mississippi in 1830, neglected himself to make a full list of all claimants who went before him within six months after the ratification of the treaty of 1830 and declared their intention to stay in Mississippi and take land there. He was instructed so to do by the Government but neglected to do his duty and his neglect caused a great many Indians who held land in Mississippi and Alabama to lose their land and then because of the complaints made by the Choctaw Indians these two commissions were appointed, the Commission of 1837 and the Commission of 1842. Do you know whether any of your Choctaw ancestors went to either of those two commissions and claimed benefits under article fourteen of that treaty? A No sir, I do not.

- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, and that his land had been sold by the Government, he should be entitled to select land either in Mississippi Alabama Louisiana or Arkansas, and that he should receive a certificate to that effect. These certificates were called scrip. Do you know whether any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No sir.
- Q Did you ever hear that they did? A No sir.
- Q Have you any documentary evidence now that you want to introduce in support of your claim? A Yes sir.

Certified copy of the affidavit of J. F. Dees present by applicant, received filed marked exhibit "A" and made a part of the record in this case.

Sworn statement of J. L. Rappolee present by applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

Reasonable time will be allowed this applicant to file further documentary evidence in support of her claim and the claim she makes for her child.

- Q Do you know when your father and mother were married? A They was married in Hunt County, Texas.
- Q When, do you know? A In 1876.
- Q What day of the month? A July 13.

(2).

- Q That is your father and mother? A Yes sir.
Q By a minister under a license? A I don't know sir.
Q You haven't a certified copy of their marriage certificate? A No, sir.
Q Reasonable time will be given you to introduce testimony on that point. Do you understand the Choctaw language or speak it? A No sir.
Q Is there anything further you would like to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark complexion, gray eyes, dark brown hair. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn upon his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 10, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 9 day of November, 1901.

Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, August 8, 1902.

Georgia A. Freeman,
Telephone, Texas.

Dear Madam:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Benjamin F. Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| Benjamin F. Davis, et al., | M.C.R. 3726 |
| Charley Lunette Kiser, et al., | " 3731 |
| Martha Alice Webb, et al., | " 3730 |
| Georgia Ann Freeman, et al., | " 3732 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin F. Davis, Lillie J. Davis, John T. W. Davis, Oscar F. Davis, Charley Lunette Kiser, Clarence Othe Kiser, Martha Alice Webb, Floyd Webb, Laura Caroline Webb, Eliza May Webb, William Carroll Webb, Georgia Ann Freeman and Bertha Maud Freeman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Edwin D. Smith

Acting Chairman.

Registered.

COPY

Muskegee, Indian Territory, November 5, 1902.

Georgia A. Freeman,

Telephone, Texas.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Benjamin F. Davis, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

The Secretary of the Interior directs the Commission to furnish the several applicants in this consolidated case with copies of his letter of October 28, 1902, affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs of October 20, 1902, reporting on the same, and copies of the same are herewith enclosed you.

Respectfully,

(SIGNED)

Tamc Dixty.

Acting Chairman.

Enc. MB 5.

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COPIES IN REPLY TO THE FOLLOWING:

MCN-3732

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 9, 1906.

Georgia A. Freeman,
Telephone, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on September 18, 1906, denied the motion heretofore filed with the Department by E. A. Walker, attorney at law, Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Benjamin F. Davis et al., in which case you and your children are parties applicant.

Respectfully,



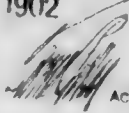
Commissioner.

3732

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 23 1902



ACTING CHAIRMAN





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

25713



DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

JAN 16 1907

[Handwritten signature]



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



INC R
3732

*Received
by Mr. [illegible]*

George A. [illegible],

For [illegible] [illegible].

No. 3732

For Identification as a Mississippi-Choctaw.

Date OCT 10 1901

Name Georgia A. Freeman

Age 19 - Blood $\frac{1}{8}$

Post Office, Telephone, Residence

Father: Benjamin T. Davis, l

Mother: Laura L. M. " l

Claims through father -
husband George W. " W.

No claim for husband

ff

Children:

Bertha M. " - 11 m

Claims for
child & sup.

Stenographer Hal Balford

Choctaw MCR 3733

John Westbrook

See MCR 3734

MCR 3733

Jacket Empty

R. 3753

John Westbrook,

REFUSED

DECISION RENDERED. AUG 1902

NOTICE OF DECISION MAILED APPLICANT

AUG 16 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FOR THE DEPARTMENT.

AUG 16 1902

ACTION APPROVED BY THE SECRETARY OF THE INTERIOR

NOV 18 1902

NOTICE OF ADMINISTRATIVE ACTION
FORWARDED APPLICANT.

NOV 18 1902

NOTICE OF ADMINISTRATIVE ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R. 3734

Choctaw MCR 3734

Amanda Westbrook

See MCR 3733

MCR 3734

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

--- o ---

In the matter of the application of Amanda Westbrook,
et al., for identification as Mississippi Choctaws, consoli-
dating the applications of-

| | |
|---------------------------|-------------|
| Amanda Westbrook, et al., | M.C.R. 8784 |
| John Westbrook, | M.C.R. 8785 |

List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case
of Amanda Westbrook, et al.

(Page)

| | |
|---|----|
| Original application of Amanda Westbrook et al. before
the Dawes Commission for identification as Mississippi
Choctaws | 1 |
| Original application of John Westbrook before the
Dawes Commission for identification as a Mississippi
Choctaw | 10 |
| Decision of the Commission denying the consolidated application
of Amanda Westbrook et al. for identification as Mississippi
Choctaws | 15 |

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 7th, 1901.

In the matter of the application of Amanda Westbrook for the identification of herself and one minor child as Mississippi Choctaws.

Said Amanda Westbrook, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Amanda Westbrook.
- Q How much Choctaw blood do you claim to have? A My father they say was a whole Choctaw Indian and my grandmother had some Indian in her. I don't know how much. It made my mother half, I reckon. I don't know.
- Q What was your father? A My father was a white man. He was my master.
- Q You say your mother's father was one-half Choctaw? A Yes sir.
- Q Your mother was one-half and you claim to be one-fourth? A Yes sir.
- Q How old are you? A Sixty-two.
- Q What is your postoffice address? A West Point, Mississippi.
- Q How long have you lived in Clay County? A Nearly all my life. I was brought out here from Batesville, Alabama, when I was small.
- Q And you have lived here ever since you were a child, when you were brought here from Alabama? A Yes sir.
- Q Is your father living? A No sir.
- Q What was his name? A Dr. William Burt.
- Q I believe you stated that he was a white man and your former master? A Yes sir.
- Q He had no Choctaw blood then? A I think he did. I used to hear him talk of Choctaw often enough.
- Q You don't know that he had Choctaw blood? A No sir.
- Q And have no evidence that he did? A No sir.
- Q Is your mother living? A No sir.
- Q What was her name? A Maria Mathis.
- Q How much Choctaw blood did she have? A She must have been half.
- Q How long has she been dead? A Nineteen years the 13th of October.
- Q How much older was she than you were? A She was 75 years old when she died and she has been dead nineteen years.
- Q Was she a slave? A Yes sir.
- Q You claim she had one-half Choctaw blood and one-half negro blood? A Yes sir and her mother had some Choctaw in her.
- Q Do you know how much Choctaw blood she had? A No sir.
- Q She was a slave too? A Yes sir.
- Q Did you ever see her-your mother's mother? A Yes sir, I have seen my Aunt Patty many times.
- Q Where did she live during her life time? A In Alabama.
- Q Where did your mother live before you were born? A In Alabama.
- Q Was she born and raised there? A She was born and raised principally in Batesville, Alabama.
- Q What was your mother's father's name? A Indian Jim.
- Q Did you ever see him? A Yes sir.
- Q Where? A I saw him at Waverly, Mississippi.
- Q What County? A Laurence County, I think.

- Q Was he older than your grandmother or younger? A Older than my grandmother.
- Q Did he look like a full blood Choctaw Indian? A Yes sir and they all said he was.
- Q How old were you when he died? A I don't know exactly but I remember him.
- Q Were you grown? A No sir, but I remember where he was buried.
- Q He wasn't a slave? A No sir, they worked up and down there at Tibbit Creek. He died right out there on Dr. Burt's farm. They stayed on that creek for numbers of years fishing and hunting.
- Q Did your mother speak and understand the Choctaw language? A I cant remember.
- Q Did this man Indian Jim speak and understand that language? A Yes sir, but I didn't.
- Q Did he have any other name? A No sir, just Indian Jim.
- Q You say that he lived with your grandmother-how long? A Four or five years and then he went off and stayed a long time and then he come back and died there.
- Q How long did he live with her the second time? A I cant remember.
- Q They were never married, were they? A I think they were, they lived together just like husband and wife.
- Q She was a slave at that time, wasn't she? A Yes sir, but she claimed him and he claimed her.
- Q How many children did they have? A Several, but I cant remember their names.
- Q Were they all children by this same Indian man? A Yes sir.
- Q Did she have any more brothers or sisters than those two? A No sir.
- Q Did you ever see either of them? A No sir, they were older than I.
- Q You are sure they were by the same father as your mother? A Yes sir.
- Q Did this Indian Jim own any land here in Mississippi that you know off? A Not that I know of.
- Q Where did he make his home? A He stayed with the other Indians.
- Q Where did they stay? A On the Creek. They would live to themselves but he would always come back to my mother's house.
- Q You don't know that he had any cultivated land or place that he called his home? A No sir, if he had any I couldn't tell.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A John Westbrook.
- Q Has he any Choctaw blood? A He has some but I cant prove it.
- Q You make no claim for him then? A No sir.
- Q What is the rest of his blood? A Negro, I guess.
- Q He was a slave, was he? A Yes sir.
- Q Have you any children under 21 years of age and unmarried? A Yes sir, I have a girl under nineteen.
- Q What is her name? A Mary Westbrook.
- Q Does she live with you? A Yes sir.
- Q Is she the daughter of yourself and John Westbrook? A Yes sir.
- Q Were you ever married more than once? A No sir.
- Q This application then is for yourself and one minor child? A Yes sir.
- Q Your mother never lived in Indian Territory, did she? A Not that I know of.

- Q Was she ever a recognized or enrolled member of the Tribe out there? A Not that I know of.
- Q Is your name or the name of this minor daughter to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know what you mean.
- Q I want to know whether your name or the name of this daughter, Mary, is on any of the Choctaw Tribal rolls out in Indian Territory? A Yes sir.
- Q What makes you think that? A My grandma had Choctaw in her.
- Q But none of you have ever been out there to the Territory, have you? A No sir.
- Q Do you know what I mean by rolls? A No sir.
- Q The rolls are lists of names of the Indians that belonged to the Tribe out there in Indian Territory. My question is--is your name or the name of this girl to be found upon any of these rolls? A I don't know, sir.
- Q You never have been out thereto the Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of the Tribe for yourself or this child? A No sir, I never have.
- Q Did you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or this minor child under the Act of Congress of June 10, 1896--did you make an application five years ago to this Commission? A No sir.
- Q Have you or has your daughter ever been admitted to citizenship in the Choctaw Nation in Indian Territory by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory--By being admitted to citizenship, I mean have you ever been declared by the Indians out there or by the United States authorities (officers of the Government of the United States) to be entitled to rights of citizenship out there? A No sir, not yet.
- Q Have you ever made any application of any description before this time? A No sir, never have.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in Indian Territory for yourself and your minor daughter under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A You will have to tell me that article.

The treaty of Dancing Rabbit Creek (a treaty is an agreement or contract between nations; the Choctaws while they were not an independent Nation, they were so termed and treated by the Government of the United States), this treaty was entered into here in Mississippi on the 27th day of September, 1830, that was over 71 years ago, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the main portion of the Tribe. At the time the treaty was made some of the Indians were unwilling to leave this country and go out west of the Mississippi River but

insisted that provision be made in the treaty whereby they might be permitted to stay here. For the benefit of those who insisted upon remaining here in Mississippi the 14th article was put in the treaty. An article in a treaty is a part of a treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family, or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." I have read to you the 14th article of the treaty of Dancing Rabbit Creek-you understand that the requirements of that article were requirements of the Choctaws who lived here in Mississippi in 1830 and 1831 when this treaty was made.

Q Do you think you understand that 14th article now? A I understand some of it.

Q What is there you don't understand? A I don't know what I don't understand. I just know I got some Indian in me.

Q You say you think you don't understand all of it? A No sir, tell me some of it.

As I stated before, this 14th article was put into the treaty between the Government and the Choctaws made here over 71 years ago. This 14th article was put in there for the benefit of those people who insisted on staying here and not going west to the new country. Now the Government said if you want to stay here and become a citizen of the United States, we will let you stay and we will give you some land here in Mississippi on certain conditions. For each head of a family the Government will give 640 acres of land; for each child in a family over ten years of age 320 acres of land and for each child in the family under 10 years of age 160 acres, or one fourth of a section. Now these reservations were made for the Indians after they had told the Agent of the Government here in Mississippi that they did want to stay here. Of course it was necessary that the Government, before the reservations could be made, should know who would stay, so the 14th article provided that in case an Indian wanted to stay he must within six months after the ratification of the treaty let the Agent know he wanted to stay. The Gov-

ernment at that time wanted to get these Indians settled to agricultural pursuits, that is get them on land and farm that land, so they said if you do want to stay here we want an evidence of your good faith in becoming citizens and working like the white people do. If you live on that land for five years after this treaty is ratified we will give you a deed to it. In other words, that is the proposition contained in the 14th article of the treaty between the Government and the Choctaws. They were required to live on this land that was reserved for them for five years after the ratification of the treaty, which was on the 24th day of February, 1831. Some of these Indians had their reservations made for them-that is, they let the Agent know they wanted to stay and they got deeds from the Government and later they sold the land, but some Indians even now own lands in Mississippi that they or their ancestors got under that treaty.

Q Now, do you think you understand the provisions of that article?

A Yes sir, I think I do.

Q Do you know what the word "ancestors" means? A Ancestors means forefathers, your mother, your father, grandmother, grandfather, etc. Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here in Mississippi in the year 1830 when this treaty was made? A Not that I know of.

Q Did any of your ancestors live here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A My mother stayed there a while I know, in Batesville, Alabama.

Q You don't know whether that was in the old Choctaw Nation or not? A I don't know, sir.

Q Did any of your Choctaw ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the Agent of the Government here in Mississippi for the Choctaws their intention to remain in Mississippi and become citizens of the States? A I couldn't tell you anything about that.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A I don't know anything about it.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the United States Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14 or under the supplement to that treaty? A No sir, I can't tell you anything about it.

Q Did any of your Choctaw ancestors ever own any land here in Mississippi that you know of? A No sir, they didn't have any.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, which I have just explained to you, the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the States under that 14th article. The records of the Government show that that Agent failed to register and report to the Government the names of many Indians who did in fact signify to him their intention to remain here. In other words, he was very slack in his duty. On this account the Government, at its public land sales, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the Government under the provisions of this 14th article. This action of the Government in selling the land upon which these Indians lived, caused a great deal of complaint among them and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came out here and heard a few of these Choctaw cases but in the time allowed them by the Act of Congress under which they were appointed and another act of Congress under which they were continued, in office, they were unable to dispose of but a comparatively small number of these cases and it of course became necessary for Congress to make provision whereby the remainder of these Indians might be given hearings. So, another act was passed and approved on the 23rd day of August, 1842, providing for the appointment of another Commission whose duty it should be to come down here and finish up the hearing of these cases. This second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the Treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select land elsewhere in lieu thereof in Mississippi, Alabama, Arkansas or Louisiana, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this act of Congress? A No sir, not that I know of.

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Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A No sir.

Q So far as you know, ~~were~~ did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.

Q You never heard of any of them ever getting any land or money from the Government here in Mississippi? A No sir.

Q Do you know anyone living who would likely know as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence of any description that you desire to offer at this time? A No sir.

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?

A No sir.

Q Have you any witnesses here today that you want to introduce in your case? A No sir.

Q Any further statements you want to make? A No sir.

Q Do you want permission to file written evidence at a later date?

A Yes sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of the application you make at this time for the identification of yourself and daughter as Mississippi Choctaws. If you should see fit to offer any written evidence, however, the Commission would be glad to have you submit such evidence within a period of thirty days from this date if possible. If you should discover any witnesses whom you desire to present before the Commission for examination these witnesses may appear before us at Meridian, Mississippi, at any time before the 10th of this month; after that time if you should desire to introduce the testimony of witnesses, they may appear before the Commission at its office in Atoka, Indian Territory, within a reasonable time and their testimony will be taken.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any children over 21 years of age living? A Yes sir, one boy, he is about twenty-two.

Q What is his name? A Johnnie Westbrook.

Q Where does he live? A He lives with me at West Point, Mississippi.

Q Is he married? A No sir.

Q Has he been before the Commission? A No sir.

Q He is here today? A Yes sir.

Q Is that all the children you have? A Only two, I have one dead; the oldest died.

Q How old was that child when she died? A Three weeks old.

Q Have you any brothers living? A I have only one brother; he is in Chattanooga, Tennessee.

Q What is his name? A Mason Burt.

Q The same father and mother as you had? A Yes sir, the same mother and father.

Q Did you ever have any other brothers? A Had others but they are dead.

Q Did they leave families? A Yes sir, they both left families.

- Q How old a man is Mason? A He is younger than I am.
- Q He is married, is he? A Yes sir.
- Q Has he been married more than once? A Yes sir, twice.
- Q Were you married more than once? A No sir, only once.
- Q Did he have any children by his first wife? A Yes sir, two, Mamie and Willie.
- Q Are either of them living? A Mamie is living.
- Q Is she married? A Yes sir and she has two children.
- Q What are those childrens' names? A Beulah B., and Lottie D.
- Q What is her husband's name? A He quit her and went off and she married again. Her present husband's name is Rogers.
- Q Who was her first husband? A Mr. Merry.
- Q Is he the father of these two children? A Yes sir.
- Q Did he have any Choctaw blood? A No sir.
- Q What was he? A A regular black man.
- Q Mamie is a daughter by his first wife? A Yes sir.
- Q What was Mamie's mother's name? A Rena Burt.
- Q Did she have any Choctaw blood? A I don't know, sir.
- Q What was she? A I don't know, sir.
- Q Is she living now? A Yes sir.
- Q Was your brother lawfully married to her? A Yes sir.
- Q Were you present at his marriage? A No sir.
- Q Did he get a divorce from her? A Yes sir.
- Q Before he married his second wife? A Yes sir.
- Q Has he any children by his second wife? A I don't know whether he has or not.
- Q What is her name? A I don't know.
- Q What was the name of your oldest brother who is dead? A Tim Rogers.
- Q What name did he go by? A Tim Burt, my mother called him Rogers.
- Q Did his children go by the name of Rogers or Burt? A Rogers.
- Q When did he die? A Last January.
- Q Was he older than you or younger? A Older.
- Q His father and mother were the same as yours? A Yes sir.
- Q Was he married more than once? A No sir, just once.
- Q What was his wife's name? A Clara Rogers.
- Q Did she have any Choctaw blood? A I don't know, sir.
- Q Did he leave any children? A Left Eleven.
- Q Any of them married? A I don't know, sir, they live down below Columbus.
- Q Do you know the names of these children? A No sir, I can't remember all.
- Q Give us the names of some of them? A Maria is the oldest, Marilla, Clara, Annie, and Mary Jane. That is all I can remember.
- Q Have any of them been before the Commission here? A Not that I know of.
- Q Were you present at the marriage of this brother? A No sir.
- Q Don't know whether he was legally married or not? A Yes sir, I was invited to the wedding but I couldn't go.
- Q He was married before the war? A Yes sir.
- Q He was a slave too? A Yes sir.
- Q They weren't married under a license were they? A No sir.
- Q How were they married? A You just get a preacher and give the nigger a supper and have a marriage.
- Q What was the name of the other brother who left a family? A Sidney Burt.

- Q What name does his family go by? A Garrett.
Q When did he die? A Five years ago. He died at Little Rock, Arkansas.
Q How old was he when he died? A I don't know, sir. He was older than I.
Q Same father and mother as you had? A Yes sir.
Q Was he married more than once? A No sir, just once.
Q Is his wife living? A Yes sir.
Q What is her name? A Nancy Garrett.
Q Did he leave any children? A Yes sir, five.
Q Do you know their names? A Yes sir, but I don't know whether they are married or not--Bettie is married.
Q What is Bettie's husband's name? A Mr. Franklin.
Q Where does she live? A In St. Louis.
Q Has she been before the Commission? A I don't think she has.
Q About how old is Bettie? A About 30 years old.
Q Has she any children? A No sir.
Q What are the names of those other children of your brother? A Bettie, Warren, Beulah, and I don't remember the names of the others.
Q Do you think they are all grown? A Yes sir.
Q Where do they live? A In St. Louis, Missouri.
Q All of those children? A Yes sir.
Q Have you any sisters living? A No sir.
Q Did you ever have any sisters? A Had one but she got drowned.
Q She didn't grow to womanhood? A No sir.
Q Did she leave any children? A No sir, she wasn't married.
Q I believe you said that your mother had one brother and one sister? A Yes sir, her sister got drowned and her brother wandered off.
Q Did either of them leave families? A No sir.
Q Are there any further statements you want to make? A None at all

This applicant has the features and facial expression of a white person. Her skin has rather a brown tinge. Her eyes are dark and her hair is almost entirely straight, somewhat intermixed with gray but has evidently been black. She does not speak or understand the Choctaw language.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 9th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L. B. Moody
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 7th, 1901.

In the matter of the application of John Westbrook for the identification of himself as a Mississippi Choctaw.

Said John Westbrook, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A John Westbrook.
- Q How much Choctaw blood do you claim to have? A Well, from my mother's testimony I suppose about one-eighth.
- Q Your mother claimed to be one-fourth, didn't she? A Yes sir.
- Q And your father has no Choctaw blood? A He claims that he has some and from his appearance he might have little.
- Q But he can't prove it and she made no claim for him? A No sir.
- Q Then you claim to be one-eighth? A Yes sir.
- Q How old are you? A Twenty-three.
- Q What is your post office address? A West Point, Mississippi.
- Q How long have you lived in West Point? A That has been our home all the time, we came to West Point in 1889.
- Q Were you born in Clay County, Mississippi? A Yes sir.
- Q And you have lived there all your life? A Yes sir.
- Q Is your father living? A Yes sir.
- Q What is his name? A John Westbrook.
- Q Has he any Choctaw blood? A No sir, he doesn't claim it, he may have some.
- Q Is he a negro? A Well, I suppose he is negro partly.
- Q He was a slave, was he? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Amanda Westbrook.
- Q You base your claim then on your mother's Choctaw blood solely? A Yes sir.
- Q About how old is your mother? A About sixty-two.
- Q Is she the identical Amanda Westbrook who appeared before the Commission just prior to your taking the stand? A Yes sir.
- Q How long has she lived in Clay County, Mississippi? A I don't know, sir. Ever since I have known the place.
- Q Do you know where she lived before that? A No sir.
- Q Do you know through which one of her parents she derived her Choctaw blood? A She claims through her grandfather.
- Q Through which one of her parents? A Her mother.
- Q What was her mother's name? A Maria.
- Q How much Choctaw blood did she have? A I suppose about one-half.
- Q She was a slave, was she? A Yes sir.
- Q Did you ever see her? A No sir.
- Q Where did she live? A She lived on the place-that is in the same house, White Station, north of West Point.
- Q Just before she died? A Yes sir.
- Q Where did she live before you were born? A I don't know, sir.
- Q You don't know where she lived outside of Clay County, Mississippi? A No sir.
- Q Do you know the names of her father and mother? A I have heard that her mother was a Patient but I don't know her first name.
- Q Was she a slave? A Yes sir, I suppose so.
- Q You never saw her? A No sir.

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- Q Do you know where she lived? A No sir.
- Q What was your mother's mother's father's name? A I don't know.
- Q He is the one who had Indian blood? A Yes sir.
- Q But you don't know his name? A No sir.
- Q Do you know where he lived? A No sir.
- Q You know nothing whatever about him? A No sir.
- Q Are you married? A No sir.
- Q This application then is for yourself only? A Yes sir.
- Q Is your name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.
- Q Did you or did anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No sir.
- Q Did you ever make any application of any description prior to this time to either the Choctaw Tribal authorities or the United States authorities or did anyone else ever make such an application for you to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I think I do.
- Q You have heard it explained fully to your mother, Amanda Westbrook, before you took the stand? A Yes sir, I heard it and think I understand it.

For fear that you might not understand this 14th article clearly, I will read it to you:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of a family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q How do you think you understand that 14th article? A Yes sir.

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Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article of ever receive any benefits thereunder? A Not that I know of.

Q Were any of your ancestors living here in the old Choctaw Nation in Mississippi and Alabama at that time when the treaty was made? A I guess so.

Q Who was living here then? A I said I guess so, I don't know.

Q So far as you know, were any of your Choctaw ancestors at that time recognized members of the Choctaw Tribe? A Not as I know of. I suppose they was.

Q What makes you think they were? A From my mother's claim.

Q That was 71 years ago, you understand? A Yes sir.

Q Did any of your Choctaw ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.

Q Did any of your Choctaw ancestors, so far as you know, ever live in Indian Territory? A No sir.

Q None of them ever moved out there from this country? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever receive any land here in Mississippi from the Government under the provisions of any other article of that treaty or under the supplement to that treaty? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Indians as might desire to remain here and become citizens under that article. The records of the Government show that that Agent failed to register and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain here and become citizens and take land under that article, and on this account in many instances land upon which Choctaws lived and had improvements was sold by the Government at its public land sales and this occasioned a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their lands had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but within the time allowed them by the act under which they were appointed and a subsequent act under which they were continued in office, they were unable to dispose of but a comparatively small number of these cases and it

John Westbrook---4

therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. Another act of Congress was accordingly passed, which was approved the 23rd day of August, 1842, providing for the appointment of another Commission whose duty it should be to come down here to Mississippi and finish up the hearing of these Choctaw cases. These Commissioners were duly appointed under this act of Congress and they came down here and heard a great many more of these cases.

Q Did any of your Choctaw ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select land in lieu thereof elsewhere in Mississippi, Louisiana, Alabama or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A No sir, not so far as I know.

Q So far as you know, did any of them ever receive any benefits as Choctaw Indians? A No sir.

Q You never heard of any of your Choctaw ancestors ever owning any land of any description or laying any claim to any land here in Mississippi from the Government of the United States? A No sir.

Q Did you ever hear of any of them ever claiming or receiving any money from the Government here in Mississippi? A No sir.

Q Do you know anyone living who would likely know as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any witnesses here today? A No sir.

Q Have you any written evidence of any kind to offer? A No sir.

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you want permission to offer written evidence later? A Yes sir.

You will be allowed a reasonable time in which to file proper written evidence in support of this application, in case you should see fit to do so. The Commission would, however, be glad to have you file such evidence within thirty days from this date if you can possibly do so.

John Westbrook---5

If you should find any witnesses whom you desire to appear in person before the Commission they may appear before us at this office in Mississippi, Meridian, Mississippi, at any time prior to the 10th of this month, and thereafter if within a reasonable time they may appear before the Commission at its office in Atoka, Indian Territory, and their testimony will be taken.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Are there any further statements of any kind that you desire to make at this time in support of your application? A No sir.
Q Have you any brothers living? A No sir.
Q Have you any sisters living? A One.
Q What is that sister's name? A Mary.
Q How old is she? A Nineteen.
Q Is she married? A No sir.
Q Does she live with her mother? A Yes sir.
Q She is your full sister? A Yes sir.
Q Did you ever have any other sisters or brothers? A I have had another sister.
Q Did she die in infancy? A Yes sir.
Q Is that all? A Yes sir.

This applicant has the hair, features and facial expression of a negro. His complexion would indicate that he is possessed of both white and negro blood. He does not speak or understand the Choctaw language nor does he show any indication of being possessed of Indian blood.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 7th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L. D. Mosley

Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

*Wm.
C. v. W.*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

— o —

In the matter of the application of Amanda Westbrook, et al., for identification as Mississippi Choctaws, consolidating the applications of-

| | |
|---------------------------|-------------|
| Amanda Westbrook, et al., | M.C.R. 3734 |
| John Westbrook, | M.C.R. 3735 |

--: D E C I S I O N :--

--- ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Amanda Westbrook for herself and her minor child, Mary Westbrook; and by John Westbrook for himself, under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Indian Jim, who is alleged to have been a full-blood Choctaw Indian, or of one Aunt Patty (or _____ Patient), who is alleged to have been possessed of Choctaw blood (degree thereof not stated).

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Indian Jim or the said Aunt Patty (or _____ Patient), or ancestors less

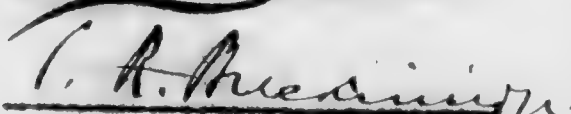
remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Westbrook, Mary Westbrook and John Westbrook as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN



Commissioners.

McKagoe, Indian Territory,

AUG 6 1902

M C R 3734.

Muskogee, Indian Territory, August 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Amanda Westbrook, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 6, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Amanda Westbrook, et al., M C R 3734

John Westbrook, M C R 3735

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
Of Indian Affairs.
1 enclosure.

COPY

M C R 3734

Muskogee, Indian Territory, August, 6, 1902.

Amanda Westbrook,

West Point, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Westbrook, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Westbrook, et al., M C R 3734

John Westbrook, M C R 3733

These applications were made under the provisions of the act of Congress of June 20, 1898 (30 Stat. ., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

A V-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Westbrook, Mary Westbrook and John Westbrook as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY.

N C R 3733

Muskogee, Indian Territory, August 6, 1902.

John Westbrook,
West Point, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Westbrook, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Westbrook, et al., N C R 3734

John Westbrook, N C R 3733

These applications were made under the provisions of the act of Congress of June 20, 1900 (30 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J W-2,

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Westbrook, Mary Westbrook and John Westbrook as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M C R 3734

Muskogee, Indian Territory, August 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Westbrook, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Westbrook, et al., M C R 3734

John Westbrook, M C R 3733

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

W H&H & C-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Westbrook, Mary Westbrook and John Westbrook as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

C O P Y.

Land
47495-1902.

Department of the Interior.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. Nov. 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report dated August 6, 1902 from the Acting Chairman of the Commission to the Five Civilized Tribes forwarding the record in the matter of the consolidated case of Amanda Westbrook, et al., applicants for identification as Mississippi Choctaws claiming rights under the provisions of article fourteen of the treaty of 1830.

Amanda Westbrook applies for the identification of herself and her minor child, Mary and John Westbrook, applies for the identification of himself.

August 6, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Aunt Patty, or Patient, grandmother of Amanda Westbrook. Maria Mathis, mother of Amanda Westbrook, was 75 years of age when she died 19 years ago. Descent is also claimed from Indian Jim, grandfather of principal applicant.

The applicants are not full-blood Choctaw Indians. A careful examination of the records of this office fails to show that anyone by the name of Aunt Patty or Patient received a patent to land under the provisions of the fourteenth article of the treaty of 1830, or complied

or attempted to comply with the provisions of said article; neither does it appear that anyone of that name applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights. Several persons named James, Jim or Jimmy are shown in the records of this office, but none of them can be identified as the Indian Jim who was the husband of Amanda Westbrook.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications be affirmed.

Very respectfully,

Your obedient servant,

V. A. Jones,

Commissioner.

GAV
D

3 inclos.

D.C. 22321

(Copy)

HAF.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD. 6889-1902.

November 18, 1902.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

August 6, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Amanda and Mary Westbrook, and of John Westbrook.

The applicants endeavor to trace their descent from one Indian Jim, alleged to have been a full blood Choctaw Indian, or from one Aunt Patty (or _____ Patient), alleged to have been a Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Indian Jim or said Aunt Patty or a less remote ancestor of the applicants complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications August 6, 1902.

The Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

Upon a careful consideration of the entire record, the Department affirms your decision.

1 inclosure.

Respectfully,

Thos. Ryan,
Acting Secretary.

113, R. 1133

COPY

Muskogee, Indian Territory, November 28, 1902.

John Westbrook,
West Point, Mississippi.

Dear Sir:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Westbrook, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

(SIGNED)

James B. Bixby
Acting Chairman

M.C.R. 8734

COPY.

Muskogee, Indian Territory, November 28, 1902.

Amanda Westbrook,
West Point, Mississippi.

Dear Madam:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Westbrook, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

(SIGNED)

Tame Bixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 28, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Westbrook, et al., of which decision you were advised by mail on the 6th day of August, 1902.

Respectfully,

SIGNED

James L. Lister
Acting Chairman.

Card No.

NAME

RESIDENCE
DISTRICT

POST OFFICE

Age Sex

REFER TO M. C. R. 3734

Amanda Westbrook

Consolidated Co.

Indian Am. full
wife
Aunt Pettey
Patient. ?

Maria Mathis 1/2
mar negr slave
Dr. William Burk ?

Tom Burk (or Rogers)
sub

wife
Clara Rogers

Sidney Burk ?
wife
Maney Garrett

Amanda Burk 62 1/4
mar

John Westbrook ?
negro slave

Mason Burk ?

wife
C Rena Burk
C

Maria Rogers
Marilla Rogers
Clara Rogers
Annie Rogers
Maney (or) Rogers

George Garrett
mar
Franklin
Warren Garrett
Beulah Garrett

John Westbrook 23 1/8

Maney Westbrook 14

Mamie Burk
mar
C ——— Merry
C ——— Rogers
Mamie Burk

Beulah B. Merry
Lottie B. Merry

#1437

No. 3733

For Identification as a Mississippi Choctaw.

OCT 7 1901

Name

^{Date} John Westbrook

Age

22

Blood

$\frac{1}{8}$

Post Office,

West Point, Miss

Father:

John Westbrook

S

Mother:

Amanda

"

L

Claims through mother

(Claims for self only)

Children:

Stenographer

J. S. Kiles

498

No. 3734

For Identification as a Mississippi Choctaw.

Date

OCT 7 201

Name *Amanda Westbrook*

Age 62

Blood 1/4

Post Office, *West Point, Miss*

Father: *Dr. Wm Burt* (m) d

Mother: *Maria Mathis* d.

Claims through mother

Husband John Westbrook L

(No claim for husband)

Children:

Mary Westbrook 19

(Claims for self and one child.)

Stenographer

J. S. Miles

Choctaw MCR 3735

Cora Anderson

See MCR 2968

MCR 3735

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 7th, 1901.

In the matter of the application of Cora Anderson for the identification of herself and one minor child as Mississippi Choctaws.

Said Cora Anderson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Cora Anderson.
Q How old are you? A Twenty-six.
Q What is your postoffice address? A Meridian, Mississippi.
Q How long have you lived here in Lauderdale County? A All my life I never lived anywhere else.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is the other seven-eighths? A White, I guess and darkey-black folks.
Q Part white and part black, is that it? A ~~Yes~~ Yes sir, my grandma is a black woman, my mother is part Indian and part black.
Q Is your father living? A Yes sir.
Q What is his name? A Bill Williams.
Q Has he any Choctaw blood? A No sir.
Q What is he? A He is half white and his mother was a black woman.
Q Was he a slave? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Malissa Williams.
Q Where does she live? A She lives five miles north of Meridian.
Q You say your mother has some Choctaw blood? A Yes sir.
Q How much? A I don't know sir, she said her grandpa was an Indian.
Q What would that make her if that were the only line of Indian blood in the family? A I don't know, sir.
Q About how old is your mother? A She is fifty years old.
Q Was she a slave too? A Yes sir, I heard her say so.
Q You get your Choctaw blood solely through your mother, do you? A Yes sir.
Q Does your mother speak or understand the Choctaw language? A I don't know, sir.
Q Has she been before this Commission? A Yes sir.
Q When? A It has been over a month ago.
Q How long has she lived in Lauderdale County, Mississippi, your mother? A I don't know, sir. When I first remembered anything she lived here.
Q You don't know where she lived before you were born? A No sir.
Q Through which one of her parents did your mother derive her Choctaw blood? A Through her father.
Q What was his name? A I don't know, sir.
Q Did you ever see him? A No sir.
Q Do you know where he lived? A No sir.
Q Do you know how old he would be if he were living now? A No sir.
Q Did you ever see your mother's mother? A Yes sir.
Q What was her name? A Margaret Nixon.
Q Was she a slave? A Yes sir.
Q No Indian blood? A No sir.

Q Was your mother's father a slave? A I don't know, sir.

Q About how old is Margaret Nixon? A I don't know, sir, exactly, she may be about seventy years old.

Q Where does she live? A With my mother.

Q Was your mother's father older than Margaret or younger? A I don't know, sir.

Q How long has he been dead? A I don't know sir. I don't remember nothing about him.

Q How do you know he had Choctaw blood? A She told me he did.

Q Didn't she ever tell you his name? A She told me but I forgot it

Q How much Choctaw blood did she tell you he had? A I don't know, sir.

Q Do you know whether this man and Margaret were legally married?

A No sir, I don't know.

Q You know nothing about their marriage at all? A No sir.

Q Do you know how long they lived together as man and wife? A No sir, I don't know.

Q Do you know anyone living who would know whether they were lawfully married? A Yes, I reckon she knows.

Q Who? A My grandma, she is living.

Q Do you know anyone beside her who would know about it? A No sir.

Q Through which one of his parents did your mother's father get his Indian blood? A I don't know, sir.

Q Do you know the name of either of them? A No sir, I don't.

Q Don't know anything about them? A No sir.

Q You don't know where they lived? A No sir.

Q Did you ever hear your mother say what kind of Indian blood her father had? A She said Choctaw.

Q When was the first time you ever heard her say that her father had Choctaw blood? A It has been a good while.

Q Give us some idea as to when you first heard her say that? A Two or three years ago.

Q How did that conversation happen to come up? A I don't know, sir

Q Are you sure you heard that before the Commission came here last Spring? A Yes sir.

Q Did you ever hear of any of your ancestors living any place other than here in Mississippi-by ancestors I mean foreparents? A No sir.

Q Was your mother ever in Indian Territory? A No sir.

Q Was she ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or by the United States authorities? A No sir, not that I know of.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q What is his name? A George Anderson.

Q Has he any Choctaw blood? A I don't know, sir.

Q You make no claim for him? A No sir.

Q What is he? A He is a colored man.

Q Negro? A Yes sir.

Q Have you any children? A I have one.

Q What is that child's name? A George Anderson Jr.

Q How old is he? A Seven years old.

Q Is this the child of yourself and George Anderson? A Yes sir.

Q Is this child living with you now? A Yes sir.

Q This application then is for yourself and one minor child, is it? A Yes sir.

Q Is your name or the name of this child to be found on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw Tribal authorities for yourself or this child to be admitted or enrolled as members of that Tribe? A No sir.

Q Did you or did anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in Indian Territory for yourself or this minor child? A No sir.

Q Have you or this child ever been admitted to citizenship in the Choctaw Nation Indian Territory by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.

Q Have you ever made any application of any description before today for yourself or this child to be admitted or enrolled as citizens of the Choctaw Nation? A No sir, never before.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and this minor child under the provisions of article 4 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. That was 71 years ago and over, you see. At that time the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of that treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River, a portion of which is now occupied by the main body of the Choctaw Tribe of Indians. At the time the treaty was made some of the Indians were unwilling to remove to this new country and preferred to remain here and ~~earn~~ the benefits of those preferring to stay here the 14th article was put into the treaty. An article is just a little part of a treaty and a treaty is a kind of agreement or contract between nations. Now, this 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. Said reservations shall include the present improvement of the head of the family or a portion of it. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A No sir,

Cora Anderson et al---4

I don't expect I do.

The 14th article of the treaty of Dancing Rabbit Creek provided that in case a Choctaw desired to remain here in Mississippi and receive land from the Government of the United States under its provisions he should within six months after the treaty of Dancing Rabbit Creek was ratified signify his intention to the Agent, that is-he should let the Agent know in some way that he desired to remain and take advantage of the provisions of the 14th article. The treaty of Dancing Rabbit Creek was ratified-that is, finally agreed to-on the 24th day of February, 1831, nearly 71 years ago. After a Choctaw had under this 14th article signified his intention to the Agent to remain and become a citizen of the States he was entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey; if he had a child in his family over ten years of age for that child he was entitled to one half of a section or 320 acres of land. If he had a child in his family under ten years of age for that child he was entitled to one quarter of a section or 160 acres of land. By the 14th article the reservations of the children were required to adjoin the location of the parent and these reservations must include the present improvement of the head of the family, that is the improvement owned by the head of the family on the 27th day of September 1830-over 71 years ago, the day on which the treaty was entered into. By the provisions of this 14th article a Choctaw was required to live on his reservation for five years from the time the treaty was ratified or five years from February 24, 1831, and he was then entitled to the land in fee simple, that is he was entitled to a deed or patent from the Government granting him all its right, title and interest in and to the land and thereupon he would have a right to dispose of ~~xxx~~ this tract of land at his pleasure. The last clause of the 14th article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity". That clause means that in case a Choctaw preferred to stay here in Mississippi and become a citizen of the States and receive land under article 14, he should not by doing so forfeit his rights in the new Choctaw Nation in Indian Territory except his rights in the Choctaw annuity. The Choctaw annuity was money paid out to the Choctaws annually by the Government under treaty provisions.

Q Do you think now that you clearly understand that 14th article?

A Yes sir, I understand it.

Q Did any of your ancestors, your forefathers, ever comply or attempt to comply with the provisions of this 14th article? A No sir.

Q Are you sure? A My mother.

Q Did any of them comply with this 14th article-did they do as required by this 14th article? A I don't know.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made, that is 71 years ago? A Yes, I think my great-grandmother

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was living here.

Q What was her name? A Doccia Nixon.

Q Did she have any Choctaw blood? A No sir, not that I know of.

Q Were any of your Choctaw ancestors living here in 1830 when this treaty was made? A Not as I know of.

Q Were any of them recognized members of the Choctaw Tribe here at that time? A I don't know, sir.

Q Did any of your Choctaw ancestors own an improvement here at that time in what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know, sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Were any of your Choctaw ancestors ever in Indian Territory?

A I don't know, sir, whether they were or not.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the Agent of the Government here in Mississippi for the Choctaws their intention to remain in Mississippi and become citizens of the States?

A I don't know, sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of article 14 of this treaty of Dancing Rabbit Creek?

A I don't know, sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of this treaty than the 14th article of under the supplement of that treaty? A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Indians as might desire to remain here and become citizens of the States and receive land under this 14th article. The records of the Government show that that Agent failed to register and report to the Government the names of many Indians who did in fact signify to him their intention to remain and become citizens of the States and on this account the Government at its public land sales in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the Government under the 14th article of the treaty. This occasioned a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came down here and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and continued in office they were unable to dispose of but a comparatively

small part of the cases and it became necessary of course for Congress to make provision whereby the remainder of those Indians might be given hearings. So, another act of Congress was passed and approved on the 23rd day of August, 1842, providing for the appointment of a second Commission whose duty it should be to come here and finish up the hearing of these cases. This second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors, that is your forefathers, appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know, sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select land in lieu thereof in Mississippi, Alabama, Louisiana or Arkansas and that he should receive a certificate to that effect. This certificate was called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this 14th article? A I don't know, sir.

Q Did you ever hear of any of your ancestors ever owning any land here in Mississippi? A No sir.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A I don't know, sir.

Q Did any of them ever receive any benefits as such? A Not as I know of.

Q If any of your ancestors ever received any benefits under article 14 of the treaty of Dancing Rabbit Creek then, you never heard of it?

A Yes sir, I never heard of it.

Q Do you know anyone living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know.

Q Do you know of the existence of any written evidence showing that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence of any description that you want to offer at this time in support of your application, any papers of any kind? A No sir.

Q Do you want permission to file papers later? A Yes sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of this application. The Commission would be glad, however, if you would offer this evidence within a period of thirty days from this date if it is possible for you to do so. If you should find any witnesses whose testimony you desire to introduce

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in support of your application, they may appear before us here at Meridian at any time prior to the 10th of this month and their testimony will be taken. If, after that time, you should see fit to offer further evidence in your case, your witnesses may appear before the Commission at its office in Atoka, Indian Territory, and their testimony will be taken.

- Q You have no witnesses here today? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q How many? A Five.
- Q Any dead? A Yes sir.
- Q How many? A Three dead.
- Q Were any of them grown when they died? A No sir.
- Q What are the names of these brothers? A Some of them wasn't named that died.
- Q That are the names of your living brothers? A Andrew Williams, Alonzo Williams, John Williams, Ollie Williams and Laurence Williams.
- Q About how old is Andrew? A He is 21 years old.
- Q Is he married? A No sir.
- Q Has he been before the Commission? A No sir.
- Q Where does he live? A He stays in Bessemer, Alabama.
- Q How old is the next boy, Alonzo? A He is about eighteen.
- Q Where does he live? A In the country, ~~xxxxx~~ five miles from here.
- Q Live with his mother? A Yes sir.
- Q How old is the next child? A He is sixteen.
- Q What is his name? A John.
- Q How old is the next one? A He is thirteen.
- Q What is his name? A Ollie.
- Q How old is the next one? A Twelve.
- Q What is his name? A Laurence.
- Q These young ones all live at home, do they? A Yes sir.
- Q Have you any sisters living? A Yes sir.
- Q How many? A I got four.
- Q Any sisters dead? A No sir.
- Q What is the name of the oldest sister? A Martha Snowden.
- Q What is her husband's name? A John Snowden.
- Q Has he any Choctaw blood? A I don't know, sir.
- Q Where do they live? A In Kemper County.
- Q About how old is Martha? A Thirty-three.
- Q Is her husband a negro? A Yes sir.
- Q Has she any children? A Yes sir.
- Q How many? A Four.
- Q Has she been before the Commission? A Yes sir.
- Q When? A I think it was in June or July.
- Q What are the names of her children? A I don't know, sir, exactly.
- Q Give what you can of them? A Jim, Clay.
- Q Do you remember any more? A No sir.
- Q What is your next sister's name? A Margaret Shumate.
- Q How old is she? A I think she is twenty-nine years old.
- Q Where does she live? A In Meridian.
- Q Has she been before the Commission? A No sir, I don't think she has.
- Q Is her husband living? A Yes sir.
- Q What is his name? A Joe Shumate.
- Q Has he any Choctaw blood? A Yes sir, I heard him say so.

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- Q What else has he besides Choctaw? A Negro, I guess.
Q How many children have they? A Three children.
Q What are their names? A Kather, Birdie and Lela.
Q That is all is it? A Yes sir.
Q What is the name of your next sister? A Sidney Wooden.
Q Where does she live? A In Kemper County.
Q How old is she? A About twenty-three.
Q Has she been before the Commission? A No sir.
Q Is her husband living? A Yes sir.
Q What is his name? A Ab Wooden.
Q Has he any Choctaw blood? A I don't know, sir.
Q Have they any children? A Yes sir.
Q How many? A Two.
Q What are their names? A Otis and Shafter.
Q What is your next sister's name? A Lema Williams.
Q Is she married? A No sir.
Q How old is she? A Nine years old.
Q Have any of these three sisters been married more than once?
A No sir.
Q Have you been married ore than once? A No sir.
Q Was your mother married more than once? A No sir.
Q Was her father married more than once? A No sir.
Q Did your mother ever have any full brothers and sisters? A Yes
sir, she aint got but one sister.
Q Is that all she ever had? A Yes sir.
Q And never had any brothers? A No sir.
Q Is the father of this sister the same man who was the father of
your mother? A I don't know, sir, whether he is or not. I
reckon he is. They look like they might be.
Q Did you ever hear her say what her father was? A No sir.
Q Was he the same man as your mother claimed her father to be?
A I never heard her say what her father's name was.
Q Did you ever hear that your aunt's father and your mother's fa-
ther was the same man? A No sir, I never heard whether it was or
not.
Q What is that aunt's name? A Emma Davis.
Q Where does she live? A In Lauderdale County.
Q Does she claim to have Choctaw blood too? A Yes sir, I reckon
she does.
Q Did you ever hear her say she had? A No sir.
Q About how old is she? A I don't know, sir.
Q Is her husband living? A Yes sir.
Q Has she been married more than once? A Yes sir.
Q What was her first husband's name? A Pres Harris.
Q What was he? A A colored man.
Q What is the name of her present husband? A Allen Davis.
Q What is he? A A colored man.
Q This woman and both her husbands were slaves, were they?
A I don't know, sir, whether she was or not.
Q Has she any children? A She got one.
Q What is that child's name? A John Harris.
Q She has no children by her present husband? A No sir.
Q How old is that child? A He is 25 years old.
Q Has he been before the Commission? A No sir, I don't think he
has.
Q Where does he live? A In Lauderdale County.
Q Is he married? A Yes sir.
Q What is his wife's name? A Jinnie.

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Q Has she any Choctaw blood? A I don't know, sir.
Q Have they any children? A Yes sir.
Q How many? A Get one.
Q What is that child's name? A I don't know, sir.
Q Did she ever have any other children-your mother's sister? A
No sir, just one child.
Q Are there any further statements you want to make at this time?
A No sir.
Q Do you speak or understand the Choctaw language? A No sir,
I don't understand it.

This applicant has dark brown skin, brown eyes and comparatively straight, black hair. From her features and facial expression it would appear that white blood perhaps predominates. She shows indications of being possessed of negro blood but very slight, if any, indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, October 7th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L. D. Mosley

Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY,

M.C.R. 3736

Washoe, Indian Territory, October 28, 1902.

Cora Anderson,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Melissa Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Melissa Williams, et al., | M.C.R. 2968 |
| Martha Snowden, et al., | M.C.R. 3144 |
| Cora Anderson, et al., | M.C.R. 3736 |
| Sidney Wooden, et al., | M.C.R. 3736 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no Freedman is entitled to identification as a Mississippi Choctaw and that the applications of Melissa Williams, Andrew Williams, Alonzo Williams, John Williams, Ollie

C.A.-----2

Williams, Cornelius Williams, Emma Williams, Moses Williams, Martha Snowden, Anna Snowden, Ophelia Snowden, Lawrence Snowden, Clayborne Snowden, Gustavus Snowden, Cora Anderson, George Anderson Jr., Sidney Wooden, Shafter Wooden, and Otis Wooden as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. G. Lusk
Commissioner in Charge.

Registered.

REFER IN REPLY TO THE FOLLOWING:

MEK-5738

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

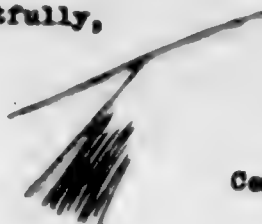
Muskogee, Indian Territory, March 7, 1907.

Cora Anderson,
Meridian, Mississippi.

Dear Madam:-

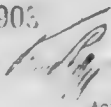
You are hereby notified that the Secretary of the Interior, on February 14, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of October 28, 1902, refusing to identify, as Mississippi Choctaws, the applicants named in the consolidated case of Melissa Williams et al.

Respectfully,



Commissioner.

OF THE INTERIOR,
TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 2 1903



ACTING CHAIRMAN



Unclaimed



Returned to origin

Department of the Interior.

Commission to the Five Civilized Tribes.

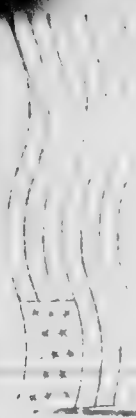
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Cora Anderson,

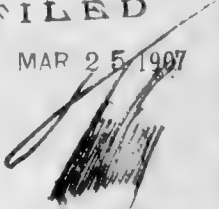
Meridian, Mississippi.



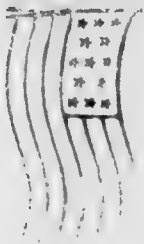
DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

MAR 25 1907



Commissioner.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Cora Anderson,

~~Meridian, Mississippi.~~

Have your mail addressed to P. O.
Box, Bureau and No. 1
Officer to receive and deliver

1439
For Identification as a Mississippi Choctaw.

Date OCT 7 1901

Name Cora Anderson

Age 26 Blood $\frac{1}{8}$

Post Office, Meridian, Miss.

Father: Bill Williams L

Mother: Malissa " L

Claims through mother
Husband George Anderson L
(no claim for husband)

Children:

George Anderson Jr 7

(Claim for self and one
minor child.)

Stenographer

S. Kiles.

Choctaw MCR 3736

Sidney Woodaw

See MCR 2968

MCR 3736

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, October 7th, 1901.

In the matter of the application of Sidney Wooden for the identification of herself and two minor children as Mississippi Choctaws.

Said Sidney Wooden, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Sidney Wooden.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is the other seven-eighths-do you know? A No sir, I don't know.
Q Tell us what you think it is? A It is white and negro, I reckon; my father is mixed with white.
Q How old are you? A Twenty four.
Q What is your postoffice address? A Hand, Kemper County, Mississippi.
Q How long have you lived in Kemper County? A nearly five years.
Q Where did you live before that? A Lauderdale County, five miles from here.
Q How long did you live in Lauderdale County? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Bill Williams.
Q Has Bill any Choctaw blood? A Not as I know of.
Q Is your mother living? A Yes sir.
Q What is her name? A Malissa Williams.
Q Has she any Choctaw blood? A Yes sir.
Q How much? A One fourth.
Q Where does she live? A Five miles from here in Lauderdale County.
Q How old is she? A About forty I reckon.
Q Your father and mother were both slaves, were they not? A Yes sir.
Q Where did your mother live before you were born? A I don't know, sir.
Q Do you know where she was born? A No sir.
Q Through which one of her parents did she derive her Choctaw blood? A Her father.
Q What was his name? A I don't know, sir.
Q How do you know she got any Choctaw blood from him then? A That is what she says. I heard her say so.
Q What did you hear her say about it? A I heard her say that her father had Indian blood.
Q That was her father's father was an Indian? A Yes sir.
Q What kind of Indian? A I haven't heard her say what kind of Indian.
Q Do you know what his name was? A No sir.
Q You don't know the names of any of your Choctaw ancestors further back than your mother? A No sir, I don't know.

Sidney Wooden et al---2

- Q Do you know where any of them lived? A No sir.
- Q You don't know anything about any of them further back than your mother? A No sir.
- Q Was your mother ever in Indian Territory? A No sir.
- Q Was she ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory? A Not as I know of.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Ab Wooden.
- Q Has he any Choctaw blood? A I don't know, sir.
- Q What is he? A Mixed white and negro.
- Q You make no claim for him? A No sir.
- Q Have you ever been married more than once? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Shafter and Otis Wooden.
- Q How old is Shafter? A Three years old.
- Q How old is Otis? A Nearly two years old.
- Q Are these children both living with you now? A Yes sir.
- Q Are they both the children of you and Ab Wooden? A Yes sir.
- Q This application then is for yourself and two children? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I know of.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled or admitted as a member of that Tribe? A No sir.
- Q Did you or did anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever ben admitted to citizenship in the Choctaw Nation in Indian Territory by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No sir.
- Q Did you ever make application before today to either the Choctaw Tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself or either of your children under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You heard me explain it to your sister Cora Anderson, did you? A Yes sir.
- Q You think you understand it clearly? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830, when this treaty of Dancing Rabbit Creek was made? A I don't know, sir.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw Tribe of Indians here at that time? A I don't know, sir.
- Q Did any of your Choctaw ancestors own an improvement here at that time? A I don't know, sir.

Sidney Wooden et al---3

Q Did any of your Choctaw ancestors remove from the country occupied by the Choctaws here in Mississippi and Alabama at the time this treaty was made to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know, sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement to that treaty? A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States under that article. The records of the Government show that that Agent failed to record and report to the Government the names of many Indians who did in fact signify to him their intention to remain here and become citizens of the States and on this account, in many instances, the Government sold land upon which Indians lived and had improvements and which they supposed they would receive under the provisions of article 14 of the treaty. This action of the Government in selling the land upon which Indians lived and had improvements caused a great deal of complaint among them and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to proceed to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government and that they had never received any benefits under the 14th article. That Commission was duly appointed and the Commissioners came down here to Mississippi and heard a few of these cases but in the time allowed them under the act under which they were appointed and the act under which they were continued in office, they were unable to dispose of but a comparatively small number of these cases and it therefore became necessary for Congress to make further provision for these Choctaws who had not been given a hearing and so another act was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission, whose duty it should be to come down here and finish up the hearing of these

Sidney Wooden et al---4

cases. This Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi or in Alabama, Louisiana, or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this act of Congress? A I don't know, sir.

Q So far as you know, were any of your Choctaw ancestors ever recognized members of the Choctaw Tribe of Indians? A No sir.

Q Did any of your Choctaw ancestors ever receive any land here in Mississippi from the Government of the United States under the provisions of article 14 or under any other article of the treaty of Dancing Rabbit Creek or under the supplement to that treaty? A Not as I know of.

Q Did any of your Choctaw ancestors ever receive any benefits whatever as Choctaw Indians? A I don't know, sir.

Q You never heard of any of them ever getting any land here in Mississippi or elsewhere from the Government, did you? A No sir.

Q You never heard of any of them ever getting any money from the Government, did you? A No sir.

Q Do you know anyone living who would likely know as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know, sir.

Q Do you know of anyone? A No sir.

Q Have you any written evidence of any kind showing or tending to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence of any kind that you want to offer at this time? A No sir.

Q Are there any further statements you desire to make in support of your application? A No sir.

Q Have you any witnesses here today to introduce? A No sir.

Q Do you want permission to offer written evidence at a later date?

A Yes sir.

You will be allowed a reasonable time in which to offer proper written evidence in support of your application. The Commission would be glad however if you find it convenient to do so, if you would file such evidence as you see fit to file within thirty days from this date. If you should discover any witnesses whose testimony you desire to have taken by the Commission those witnesses may appear

before the Commission here at Meridian at any time before the 10th of this month and their testimony will be taken. After that time if you find any witnesses who you desire to have testify before the Commission, they may appear before the Commission at its office in Atoka, Indian Territory, and a hearing will be given them.

- Q Do you speak or understand the Choctaw language? A Not as I knows of.
- Q Have you any brothers living? A Yes sir.
- Q What are their names? A Andrew, Ollie, Alonzo, Johnnie, Laurence and Moses.
- Q How old is Moses? A Seven years old.
- Q Is that all? A Yes sir.
- Q Are these children all living? A Yes sir.
- Q Did you ever have any other brothers? A Yes sir, three dead.
- Q Did they live to be grown men? A No sir.
- Q Are any of these brothers of age? A Yes sir, one of them.
- Q What is his name? A Andrew.
- Q Has he been before the Commission? A No sir.
- Q Where does he live? A In Meridian, he has been living at Bessemer, Alabama.
- Q They are all full brothers of yours? A Yes sir.
- Q Are any of them married? A No sir.
- Q Have you any sisters living? A Yes sir.
- Q How many? A Four.
- Q What are their names? A Martha Snowden.
- Q How old is she? A About thirty, I believe.
- Q Where does she live? A Lauderdale County.
- Q What is her husband's name? A John Snowden.
- Q Has he any Choctaw blood? A Not as I knows of.
- Q Has Martha been before the Commission? A I believe she has.
- Q What is the name of your next sister? A Margaret Shumate.
- Q About how old is Margaret? A About twenty-eight.
- Q Where does she live? A In Meridian.
- Q What is her husband's name? A Jow Shumate.
- Q Has he any Choctaw blood? A I don't know, sir.
- Q Has she been before the Commission? A Yes, I think they have been.
- Q What is the name of the next sister? A Cora Anderson.
- Q How old is Cora? A Twenty-six, I think.
- Q Where does she live? A About five miles from Meridian.
- Q What is her husband's name? A George Anderson.
- Q Has he any Choctaw blood? A I don't know, sir.
- Q Is your sister Cora the same Cora Anderson who appeared before the Commission today? A Yes sir.
- Q What is your other sister's name? A Emma Williams.
- Q Is she married? A No sir.
- Q Living at home? A Yes sir.
- Q How old is she? A Nine years old.
- Q Have any of your sisters been married more than once? A No sir.
- Q Have you been married more than once? A No sir.
- Q Was your mother or father married more than once? A No sir.
- Q Did your mother ever have any sisters? A Yes sir.
- Q How many? A One.
- Q Did she ever have any more than that sister? A Not as I knows of.
- Q Did she ever have any brothers? A No sir.

Sidney Wooden et al---6

- Q Is that sister living? A Yes sir.
Q What is her name? A Emma Davis.
Q About how old is Emma Davis? A I reckon she is about thirty some odd.
Q Where does she live? A In Lauderdale County.
Q Is she a full sister to your mother? A I don't know, sir.
Q Do you know whether her father and your mother's father were the same man? A I don't know, sir.
Q Has Emma Been before the Commission? A I don't think she has.
Q What is her husband's name? A Allen Davis.
Q Has he any Choctaw blood? A Not as I knows of.
Q Has she any children by him? A No sir.
Q Did she ever have any? A Yes sir, one by her first husband.
Q What is her first husband's name? A Pres Harris.
Q Is he living? A No sir.
Q Did he have any Choctaw blood? A I don't know, sir.
Q How many children did she have by him? A One.
Q Is that all she ever had? A Yes sir.
Q Is that child living? A Yes sir.
Q Where? A In Lauderdale County.
Q What is his name? A Johnnie Harris.
Q How old is she? A About twenty-five.
Q Is he married? A Yes sir.
Q What is his wife's name? A Fannie Harris.
Q Has she any Choctaw blood? A I don't know, sir.
Q What is she? A She is white and negro, I guess.
Q Have they any children? A Yes sir.
Q How many? A One.
Q Has he been before the Commission? A I don't know, sir.

This applicant has the appearance of a person descended from white and negro ancestors. She has rather dark skin, dark eyes and straight hair almost black. She has the features of a white person except that her cheek bones are inclined to be high, she shows no other indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause heard at Meridian, Mississippi, October 7th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L. B. Moody
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

M.C.R. 8938

Mustang, Indian Territory, October 28, 1902.

Sidney Wooden,

Band, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Melissa Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Melissa Williams, et al., | M.C.R. 2968 |
| Martha Snowden, et al., | M.C.R. 3144 |
| Gera Anderson, et al., | M.C.R. 3736 |
| Sidney Wooden, et al., | M.C.R. 3736 |

These applications were made under the provision of the acts of Congress of June 20, 1896 (29 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedom is entitled to identification

S.W.-----2

as a Mississippi Choctaw and that the applications of Melissa Williams, Andrew Williams, Alonzo Williams, John Williams, Ollie Williams, Cornelius Williams, Emma Williams, Moses Williams, Martha Snowden, Emma Snowden, Ophelia Snowden, Lawrence Snowden, Clayborne Snowden, Gustavus Snowden, Cera Anderson, George Anderson Jr., Sidney Wooden, Shafter Wooden, and Otis Wooden, as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WENED

C. E. Dickinson
Commissioner in Charge.

Registered.

MCR-3758

Muskogee, Indian Territory, March 7, 1907.

Sidney Wooden,

Ham, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 14, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of October 28, 1903, refusing to identify, as Mississippi Choctaws, the applicants named in the consolidated case of Melissa Williams et al.

Respectfully,

Commissioner.

No. 1222
For Identification as a Mississippi Choctaw.

Date OCT 7 1901
Name Sidney Wooden
Age 24 Blood 1/8

Post Office, Vandalia, Miss.
Father: Bill Williams S
Mother: Malissa A. " S

Claims through mother
husband Ab Wooden S
(No claim for husband)

Children:
Shafter Wooden 3
Otie " 1

(Claim for 2
minor children)

Stenographer

J. J. Niles.

Choctaw MCR 3737

Ike Moses

MCR 3737

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Ike Moses, et al.,
for identification as Mississippi Choc-
taws,-----M C R 3737.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Ike Moses, et al.,
for identification as Mississippi Choctaws, M C R 3737.

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| | Page |
|--|------|
| Original application of Ike Moses, et al.,
for identification as Mississippi Choctaws,----- | 1 |
| Decision of the Commission identifying the
above applicants,----- | 15 |

-o-

3737

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, October 8, 1901.

In the matter of the application of Ike Moses for the identification of himself, his wife and four minor children for as Mississippi Choctaws.

Ike Moses, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ike Moses.
- ✓ Q How much Choctaw blood do you claim to have? A Full blood.
- ✓ Q How old are you? A Thirty five.
- What is your post office address? A Trapp, Mississippi.
- Q What county? A Neshoba County.
- Q How long have you lived in Neshoba County, Mississippi? A Been living there about eighteen years.
- Q Where did you live before that? A Born in Leake County, on the other side of Carthage.
- Q You have lived in Leake and Neshoba Counties all your life? A Yes sir.
- Is your father living? A I was born in Leake, on the other side of Carthage, and when I was - recollect, moved down in Madison County, this side of Canton sixteen miles.
- How long did you live in Madison County? A About five years, when he died I moved from there to Neshoba.
- ✓ Q What was your father's name? A Moses.
- ✓ Q What other name? A Tush-ca-no-la Moses.
- Q When did your father die? A He done been dead about twenty eight years; I was little bit boy when he died, but I recollect.
- Q About how old a man was he when he died? A About thirty eight somewhere's along there.
- Q He was older than you are now when he died? A Yes sir.
- Q Much older than you are now? A Yes, I guess he was.
- ✓ Q Was he a full blood Choctaw? A Yes, full blood Choctaw.
- Q Did he always live in the State of Mississippi? A Yes.
- Q Never lived out in Indian Territory? A Never did that I recollect - since I recollect and knowed him he not been moved off from Mississippi.
- ✓ Q Is your mother living? A Yes sir.
- ✓ Q What is her name? A Sallie.
- Q Sallie Moses? A She married after pa died.
- Q Who did she marry the second time? A Gamil. And he died too.
- Q Does she go by the name of Sallie Gamil now? A I expect so, but she write to me some time and just call Sallie Moses.
- Q Where does she live? A Close to Thomastown.

Ike Moses, et al.

- Q In what county? A In Leake.
- Q How old is she now? A She is about fifty four, years old.
- Q Has she been before the Commission? A No sir, she aint.
- Q Was she before the Commission two years ago? A I don't know; I don't live there, I live aless to Philadelphia, and I never have seen her in two or three years.
- ✓Q Is she a full blood Choctaw? A Yes.
- Q Has he always lived in the State of Mississippi? A Yes.
- ✓Q Do you know the name of your father's father? A Yes. That is Tushcanola.
- Q Is that all the name he had, just Tushcanola? A That's all I know.
- Q When did Tushcanola die? A I just can't tell you right when he died, but I recollect when he died, he been sick a right smart while when he died, I can't tell you.
- Q Were you grown when he died? A Little bit boy.
- Q Where did he die? A This side Ben LeFlore's old place in Leake County, about two miles and a half.
- Q From Carthage? A Yes, eight miles from Carthage.
- ✓Q Was he a full blood Choctaw? A Yes.
- Q Was he a very old man when he died? A Yes, very old.
- Q Good deal older than you are now? A Yes, heap older than me.
- Q You don't know his exact age at the time he died? A No, I don't know.
- Q Now, do you know the name of your father's mother? A No, I don't know her at all.
- Q You don't know what her name was? A No.
- Q Did you ever see her? A No, never have seen her.
- Q Do you know the name of Tushcanola's father or mother?
- A No sir.
- Q Never saw either of them? A No sir.
- Q Did Tushcanola always live in Mississippi? A Yes sir.
- ✓Q Do you know the name of your mother's father? A Yes.
- ✓Q What was his name? A His name was - long time ago Choctaw just had - we didn't call - we all thrown that old name - always white people when we get here, just had it Choctaw name now, Ah-to-ho-me.
- Q Is he living? A He's dead.
- Q When did he die? A He died about twenty three years ago.
- Q Before you were grown? A Yes.
- Q Was he old when he died? A Yes.
- Q Do you know how old? A No.
- Q Where did he die? A This side of Goodman.
- Q What county? A I don't know what county, and it was on this side between Picken Station and you know where Goodman is don't you? Maybe in Attalla County.
- Q Did he always live here in Mississippi? A Yes, ever since I recollect, since I know him, been living in Mississippi.
- ✓Q Was he a full blood Choctaw? A Yes.
- Q Do you know the name of your mother's mother? A No.
- Q Do you know the name of your mother's father's father?
- A No.
- Q Or his mother? A No.
- Q You don't know the names of any of your ancestors further back than your grand parents? A Yes, both my grand fathers.
- Q Are you married? A Yes.
- ✓Q What is your wife's name? A Ann.

Ike Moses, et al.

- Q Is she living? A Yes.
- Q Have you ever been married more than once? A No.
- Q Yes? A No.
- ✓Q Has Ann any Choctaw blood? A Yes.
- ✓Q How much? A Full blood.
- Q Do you want to make application for her too? A Yes.
- Q How old is Ann? A About twenty seven years old.
- Q Are you living together now? A Yes.
- Q Has she always lived in the State of Mississippi? A Yes, she was born in Neshoba.
- Q Always lived in Neshoba? A Yes.
- Q Is her father living? A No, he is dead.
- ✓Q What was his name? A I believe that's another Choctaw name; I have forgot now; had another name, and the white people call him Moses.
- Q Is that all? A That's all I know. Name Moses, but his fathers name, I just can't think of it; I thought of it a while ago, but I can't think of it now. I can't think of it right now; his name Cornelius, it aint that, but nearly a word like it.
- Q Your wife's father's name is Moses? A Yes.
- Q When did he die? A I don't know when.
- Q Did you ever see him? A I never seen him.
- ✓Q Was he a full blood Choctaw? A I can't tell you.
- ✓Q You are sure your wife is? A Yes, and my wife's uncle; she is Bill Rush.
- ✓Q Is your wife's mother living? A No, dead.
- Q Do you know how old your wife's father would be if he were living now? A I can't tell you.
- ✓Q What was your wife's mother's name? A Bicey Moses
- Q When did she die? A About ten years ago.
- Q How old was she when she died? A I never seen her, but she lived in close where my mother lived. She raised in Neshoba, and she married second time, and he married way down by Thomastown somewhere; she died there; I never did see her at all after I moved to Neshoba; I never got to see her.
- ✓Q Was she a full blood Choctaw? A Yes.
- Q She always lived in Mississippi? A Yes.
- Q And your wife's father always lived in Mississippi? A Yes.
- Q Do you know the names of any of your wife's grand parents? A No sir.
- Q Have you any children? A Yes.
- Q How many? A Four.
- Q What are their names and ages? A The oldest is fourteen f going on fifteen.
- Q Nicey? A Yes.
- Q A girl? A Yes.
- Q What is the next one's name? A Lottie.
- Q How old is Lottie? A Thirteen.
- Q The next one? A Edna.
- Q How old is Edna? A Going on six; she born in 1895, October eighth.
- Q The next one? A Elsie.
- Q How old is Elsie? A She is going on a little over a year old

Ike Moses, et al.

- Q Not quite a year, is she? A November last; eleven months old.
- Q These children are living with you now? A Yes.
- Q Are they all the children of yourself and Ann Moses? A Yes.
- Q Were you married to Ann under a license or according to the Choctaw custom? A Choctaw custom.
- Q When were you married? A About seventeen years.
- Q Where? A In Neshoba County.
- Q How old was she when you married her? A I expect she about sixteen, maybe fifteen.
- Q Have you lived together ever since that time as man and wife? A Yes sir.
- Q This application is for yourself, your wife and four children? A Yes.
- Q That's all? A Yes sir, that's all.
- Q Is your name or your wife's name, or the names of any of these children on any of the Choctaw tribal rolls out in Indian Territory? A No.
- Q By tribal rolls, I mean list of the names of Choctaw Indians in Indian Territory who belong to the tribe out there? A Yes.
- Q These lists out there of the Choctaws who live out there; are your names on any of these rolls out there? A Yes.
- Q What makes you think so? A Because the Choctaws out there were living in Mississippi and moved out there, and some of my kin folks moved out there about twenty years ago, some of them - I got two cousins out there.
- Q What are their names? A Sanders and Lee.
- Q Sanders and Lee Moses? A No, Lee Silman and Sanders Amos.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A Yes.
- Q Did you now? A Yes.
- Q When? A When Dawes Commission come around here.
- Q That was not the Choctaw tribal authorities; that was the United States authorities. You mean you make application when the Commission was here two years ago last January? A Yes.

The records of the Commission show that on January 31, 1899, Ike Moses, appeared before the Commission at Philadelphia, Mississippi, and there made application for the identification of himself, his wife, Ann and three minor children, Nicey, Lottie and Edna, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 176; also, upon page 57 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, being numbers 602, 603, 604, 605 and 606, respectively thereon.

Ike Moses, et al.

Q Elsie was not living when you appeared before the Commission when they were here before? A No.

Q Do you remember the day she was born? A November 10, 1900.

Q Did you ever make any other application to the Commission besides that one in January 1899? A Yes sir.

Q Didn't you make application to the Commission in 1896, five years ago? A Yes.

The records of the Commission show that the names of Ike Moses, his wife, Ann, and children, Nicis, Lettie and Edna, appear in the case of Jack Amos, et al., versus the Choctaw Nation. The original application in this case was filed with the Commission on the first day of September, 1899, and on the 10th day of December, 1899, said commission denied the application of the parties, and an appeal was taken to the United States District Court for the Central District of the Indian Territory, at South McAlester, Indian Territory, which said Court on the 27th day of August 1897, affirmed the decision of the said Commission, whereupon a further appeal was taken to the United States Supreme Court, where the decision of the lower court was sustained.

Q These two applications are the only applications of any descriptions you have made, are they? A Yes.

You now appear before the Commission for the purpose of making application for identification as Mississippi Choctaws, claiming right in the Choctaw lands, in Indian Territory for yourself, wife and four minor children? A Yes.

Q Under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? Is that correct? A yes sir.

Q Do you understand the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q You understand that, do you? A Yes, I heard old Choctaws talking about that way.

For fear you might not clearly understand it, I will read it to you.

Q You understand what a treaty means? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into here in the State of Mississippi on the 27th day of September, eighteen hundred and thirty, that 's over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi, and along the western edge of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a portion of which is now occupied by the main body of the Choctaw tribe. At the time the treaty was made, some of the Indians were unwilling

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to move out to the new country, but insisted that they be permitted to remain here, and for the benefit of those who did prefer to remain here, the fourteenth article was put into the treaty. An article is a part or sub-division of a treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States for five years from the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, that is what is known as the fourteenth article of the treaty of Dancing Rabbit Creek; do you think you understand that fourteenth article? A Yes.

Q You know what the word ancestors means, don't you? A No sir.

Q It is fore-fathers, old folks away back? A Yes.

Q Your father and mother, and your wife's father and mother, away back as far as you want to go? A Yes.

Q Did any of your ancestors, or your wife's ancestors, ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? Did they ever do what that article said they must do if they stayed here? A I can't tell you.

Q You don't know about that? A I don't know about that.

Q What one of your ancestors was living here at that time; that 's seventy one years ago? A They mean what?

Q What one of your fore-fathers? A My grand pa, and my mother's daddy. Both my grand pa's living then.

Q Do you know where they lived then? A No, I don't know; I think my grand pa lived in Neshoba and moved out there -- my mother's daddy, he raised up here in Neshoba somewhere.

Q You think Tuskeamola was here then? A Yes, he lived this side of Carthage; I think he was born there somewhere; he got a whole lot of land out there. In them days they got scared and moved toward and Canton, and just left the place.

Q Did any of your ancestors, or any of your wife's ancestors, own any improvement here at that time, seventy one years ago? A No.

Q Do you know about that? A I don't know, see all my sisters and brothers died older than me - all died, except me, and I don't know at all.

Ike Moses, et al.

Q Were any of your ancestors, or any of your wife's ancestors, recognized members of the Choctaw tribe of Indians at that time?

A I don't know; aint got many kin folks at all; aint got no brothers

Q You don't know whether they were at that time or not? A No, I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, that is, any of your old folks, or any of your wife's old folks, away back, remove from the country occupied by the Choctaws here in Mississippi and Alabama to the new country west of the Mississippi River, between the years 1833 and 1838? When the main portion of the tribe moved out there? A No, I don't know.

Q Did any of your ancestors, within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Agent for the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States, in accordance with that fourteenth article? A I don't know.

Q Did any of your ancestors, or your wife's ancestors, ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of article fourteen of that treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your ancestors, or your wife's ancestors, ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article, or under the supplement to that treaty? A I don't know.

Q Did any of your ancestors or your wife's ancestors ever receive any land here from the Government at any time? A No, I don't know.

Q Did any of your ancestors ever own any land here in Mississippi? A No.

Q Did any of your wife's ancestors? A No.

Q You are sure of that? A No sir.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any money from the Government of the United States? A I don't know.

Q So far as you know then, none of your ancestors or your wife's ancestors ever did get any benefits of any kind from the Government of the United States as Choctaw Indians? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here in Mississippi and become citizens of the States. The records of the Government show that that agent failed to register the names of many Choctaws who did, in fact, signify to him their intention to remain in Mississippi, and on this account, the Government, at its public land sales here in Mississippi, in many instances sold land upon which the Choctaws lived and had improvements, and which they supposed they would get from the Government under this fourteenth article. This action of the Government in selling the lands that the Choctaws lived on, and which they supposed would be theirs, caused a great deal of complaint among them; the Choctaws didn't like it, of course, because they thought the land ought to be theirs, and the matter was finally brought to the attention of

Ike Moses, et al.

Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission, whose duty it was to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied, in all respects, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to hear some of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and another Act of Congress extending their time, they were unable to dispose of, or hear, but a comparatively small number of Choctaw cases, and of course, it became necessary for Congress to make another provision for the hearing of the cases of these Choctaws that had not been heard; so another Act of Congress was passed and approved on the twenty third day of August, 1842, nearly sixty years ago, providing for the appointment of another Commission to come down here and finish up this work of hearing Choctaw cases. This second commission was duly appointed and the Commissioners came down here and heard a great many more cases; they came down here and stayed in Leake County, and Neshoba County, all around there, before you were born.

Q Did any of your ancestors, or any of your wife's ancestors, appear before either of these commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek; that is; that he had done everything that that fourteenth article said he must do, but that his land had been sold by the government, he should be entitled to select land some place else in Mississippi, or in Alabama, or in Louisiana, or Arkansas; from vacant Government land, and that he should be given a certificate or piece of paper to that effect. These certificates were called scrip.

Q Did any of your ancestors, or your wife's ancestors, ever receive any scrip from the United States Government? A No, I don't know.

Q So far as you know, none of your ancestors, and none of your wife's ancestors, ever got any land here in Mississippi from the Government? A No sir.

Q or anywhere? A No sir, not that I know of.

Q Have you any witnesses here to-day? A Yes.

Q Who? A Witnesses to come before the Commission?

Q Yes? A Yes.

Q Who? A Have I got any witnesses?

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Q Yes? A No sir, me and brother Tom come over here, and he got tired staying; I would have witness if he had stayed, but I think he went on. He knows me all his life; we raised right at the same place.

Q Have you any written evidence you want to offer? Any written evidence, papers, affidavits, statements or anything of that kind? A No.

Q Do you know of anyone living, any old Choctaw, or any old white man, who would know whether any of your ancestors or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I have not.

Q Do you know of any written evidence which would show or tend to show that any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No, I don't know any.

Q You never saw any deed or patent issued by the United States Government to any of your ancestors, or any of your wife's ancestors? A No.

Q Or any scrip of any kind? A No sir.

Q Do you want permission to file papers later in your case? written evidence or affidavits? A What that mean; do you want application about them names - about what you saying that?

Q I want to know whether you want to file any papers later in your case - to give the Commission - showing who you are, and showing who your grand parents are? A Do you want it now?

Q I just want to know if you want to file some later? A Yes

You will be allowed a reasonable time in which to file any proper papers you care to file before the Commission; the Commission would be glad to have you file them in thirty days, if you desire to file any papers. If you should find any witnesses whom you desire to have appear before the Commission in person, they may appear before the Commission within a reasonable time, and their testimony will be taken.

Q Have you any brothers living? A No sir.

Q Did you ever have any brothers? A Yes sir.

Q How many? A I had two, and have four sisters.

Q Did your brothers, either of them, leave families? A Yes sir.

Q What was the name of your oldest brother? A Named Lewis.

Q Lewis what? A Moses.

Q When did he die? A About twelve years ago.

Q How old a man was he when he died? A About thirty, I expect.

Q Is his wife living? A Yes.

Q What is her name? A Elizabeth.

Q Elizabeth what? A Moses; she married again.

Q Who did she marry? A Bill Tah-fah-mah.

Q What is your brother's wife's last husband's name? A Morris

Q What is her husband's first name? A I don't know.

Q Has she any children by your brother? A Yes.
 Q How many? A Three living now.
 Q What are their names? A My brother's children?--Rufus.
 Q The next one? A Pauline.
 Q The next one? A I can't think of his name.
 Q About how old is Rufus? A About fifteen years old. Pauline is the eldest.
 Q How old is she? A About eighteen, I think.
 Q Do they go by the name of Moses? A Yes.
 Q Pauline Moses and Rufus Moses? A Yes, I forget the other name.
 Q Where do they live? A Rufus live close to Rainburg, in Nashoba.
 Q Where does the other live? A In Leake.
 Q Have any of them ever been before the Commission? A I don't know.
 Q You don't know whether they came here two years ago? No, I don't know.
 Q What was your other brother's name? A Hugh.
 Q When did he die? A He died about eighteen years ago.
 Q Did he leave any children? A No, he was single when he died.
 Q Did any of your sisters leave families? A Yes.
 Q How many of them? A Just one.
 Q One sister left a family? A You say how many children she had.
 Q You had four sisters; how many of those sisters left children; did they leave children, or just one? A All died.
 Q Yes, but when they died, did they all leave some children?
 A Yes.
 Q What was the name of the oldest sister? A The oldest named Lissie.
 Q What was her husband's name? A Choctaw's name Arnis, the English name, Nicholas.
 Q Lissie Nicholas? A Yes.
 Q How many children did she leave? A She just had one.
 Q Is that child living? A Yes.
 Q Where does it live? A In Leake County.
 Q What is its name? A I can't think of its name.
 Q Her husband's name was n't Nicholas Charless? A No, that's my sister, her man named Nicholas. That child, I can't think of it.
 Q How old is the child now? A She is married; she is about fourteen or fifteen years old.
 Q What is her husband's name? A I don't know.
 Q What is the name of your next sister who is dead? A Oscar.
 Q What was her first name? A That's all, just Oscar Wesley.
 Q Was she a sister? A No, my other sister's boy.
 Q Give me the name of your next sister, not the boy? A This boy's mother, she had just one girl. My uncle and --- my oldest sister's was the gal, she just had only one.
 Q Now, you said that your oldest sister left one girl; now, what is the name of the next sister, next to the oldest one? A Selin -- called Sophia.
 Q When did she die? A She died about seven years ago.
 Q Did she leave any children? A Yes.
 Q How many? A Four; three gals and one boy.
 Q Are they living now? A Yes.
 Q What are the names of the girls? A Lena.
 Q Lena what? A Wesley.
 Q Is she married? A No.
 Q How old is she? A About nineteen.
 Q The next one of the girls? A The next one, boy, named Oscar.

Ike Moses, et al.

- Q The next one? A The next one, Fannie.
- Q The next one after Fannie? A One more there, but I have forgot his name.
- Q Are any of these children married? A No.
- Q Have any of them been before the Commission this year?
- A No, went about three years.
- Q What was the name of your next sister? A Third one.
- Q Yes? A Named Callie.
- Q When did she die? A She died about, I think she been died about twelve years ago.
- Q Leave any children? A Yes.
- Q How many? A Just one.
- Q Is it living? A I think it's living.
- Q What is its name? A John.
- Q John what? A Hickman.
- Q Her husband then was Hickman? A Yes.
- Q Where does John live? A In Leake
- Q How old is he? A About seven years old. I expect about seven years ago.
- Q He must be more than seven years old? A You see I have just heard them say; I can't think of all the ages. I live in Neshoba, and she is away back in this edge of Madison County.
- Q What is the name of your next sister? A That's all.
- Q Didn't you have four sisters? A Yes, I did.
- Q What is the other's one's name? A She is dead.
- Q What was her name? A She was about twelve years old when she died; she was named Mattie.
- Q Now has your wife any brothers living? A I expect so.
- Q Do you know their names? A The last time I heard, about two years ago, they moved out there in the Territory.
- Q What was his name? A Ben.
- Q Ben what? A Ben Moses, I think.
- Q You heard about two years ago that he moved out there to the Choctaw Nation, Indian Territory? A Yes sir, moved out there five years ago. Got letter from him, nearly die, and not got letter since. He got shot and nearly died; and if he lived, I expect he out there now.
- Q Did she ever have another brother? A No.
- Q Your father ever have any brothers? A Yes.
- Q Do you know their names? A I know their names, but I never seen my daddy's brothers, but named Elijah.
- Q Elijah Moses? A No, Elijah Tush-ca-no-la.
- Q When did he die? A I don't know.
- Q Are any of his children living? A Yes.
- Q How many? A Just one.
- Q What is its name? A Lucy.
- Q Lucy what? A Tush-ca-no-la.
- Q Ist she married? A I don't know; I think she married, and I think the old man died. I aint been in that old country for a long time.
- Q What was her husband's name, do you know? A I don't know.
- Q Is that the only child Elijah ever had? A Yes.
- Q Did your father ever have any other brothers? A Just one.
- Q D-d your father ever have any sisters? A Yes.

Ike Moses, et al.

Q What are their names? A Maria.
Q Maria what? A Tush-ca-no-la.
Q Is she living? A No she died; all I know the names are died.
Q Did she leave a family? A No, I except Lee I was speaking about a while ago; he wasn't married. That's my aunt.
Q That's Maria's boy? A Yes, Sanders, and my aunt's boy, and another aunt of mine.
Q I want to ask these questions so we will get a clear history of the family. What was the name of your father's next sister, unmarried? A Mahaley.
Q And she is dead? A Yes.
Q She leave any children? A Yes.
Q What are their names? A Samuel.
Q Is that all? A Yes, she had lots, but they all died.
Q Did any of her children leave children? A Any of Mahaley?
Q Yes? A Left one.
Q Who? A Robert.
Q Robert what? A Sweeney.
Q Where does he live? A He lives near-my mother lives close up there.
Q How old is he? A About twenty four.
Q He wasn't Mahaley's son? A No, my aunt's gal son what I am speaking about.
Q What was your aunt's daughter's name, the mother of this child, Robert? A Winnie she's dead, just left one boy.
Q Now, did your father ever have any other sisters? A Yes.
Q How many? A One more besides I done given the names.
Q What was her name? A Maria.
Q You gave that? A I said oldest one Mahaley, and next one Maria.
Q Did your mother ever have any brothers? A Yes sir.
Q How many? A Just two.
Q Are either of them living? A No, all died.
Q Did either of them leave families? A Yes sir.
Q What was the name of the oldest brother? A Elijah.
Q Elijah what? A Tushcanola.
Q I am talking about your mother's brothers? A Oh! yes.
Q Did your mother leave any brothers? A No, all died; aint got no brothers; well, did have some brothers, but all died.
Q Did any of them leave families when they died? A Yes, but all died.
Q All of your mother's brothers' children are dead? A Yes.
Q Did your other ever have any sisters? A Yes, had right smart of them, but all died except one, only the youngest one; she is living now.
Q What is her name? A Nicey.
Q Nicey what? A Wesley.
Q Has she been before the Commission? A No, I don't think so.
Q Has Nicey any children living? A Yes.
Q Where does she live? A She lives in this side of Carthage in Leake.
Q How many children has she? A Has right smart of them.
Q Do you know their names? A One named Ellen, and one named; - I know right smart of them, but I have been --
Q What is the name of the father of these children? A Wesley.

Ike Moses, et al.

Q His other name? A Another name I was speaking of a while ago is this Wesley; live on the other side of Philadelphia; that Wesley married my sister, and nother Wesley over there married my aunt.

Q What was the first name of this man Wesley that married your aunt? A John Wesley. His daddy was named Choctaw, old time, Wah-ca-tubbee.

Q He lives at Willistown, Leake County? A I don't know where he lives; I don't know where he raised at.

Q Did any of your mother's sisters who are dead leave families-leave children? A Yes.

Q How many? A Had three, and all died except one.

Q What is his name? A Wilson.

Q Wilson what? A Wilson Isaac.

Q You think he has been before the Commission? A Yes, I heard so.

Q When do you think he was before the Commission? A About two or three months ago maybe, and maybe not hardly that long.

Q He is the son of your mother's sister? A Yes sir.

Q What was her name? A I don't know. She is older than my mother.

Q You don't know what her name was? A No.

Q What is Wilson's wife's name? A I don't know.

Q Do you know the names of any of his children? A No.

Q Has your wife any brother's living? A I don't know about that.

Q Has your wife any sisters living? A No.

Q Did she ever have any? A No.

Q Now, has your wife's father any brothers living? A Yes.

Q What are their names? A Billy Rush.

Q Where does Billy live? A Right close by.

Q Has he been before the Commission? A No.

Q How old is he? A About sixty seven years old, I expect. He want's the Commission, but he can't come; he has been down sick nearly a year.

Q What is his wife's name? A Eliza.

Q Is that the only brother that your wife's father ever had? A Yes.

Q Did he have any sisters? A Yes.

Q Moses? A Yes.

Q How many? A Two, but they died. One died about two years ago - more than that. About seventeen years ago when she died.

Q Did she leave a family when she died? A Yes.

Q How many? A Left about seven, I think, but all died; one left here only, the least one.

Q What is that one's name? A Phoebe.

Q Phoebe what? A Dixon.

Q How old is she? A About eighteen years old; maybe.

Q Married? A No.

Q Is your wife's father's other sister living? A Yes.

Q What is her name? A Betsy.

Q Betsy what? A I don't know.

Q Do you know her husband's name? A She aint got no husband; he is dead.

Q What was his name? A John.

Q John what? A Fah-fah-mah.

Q Is it Becky? A That's my wife's grand mother.

Ike Moses, et al.

- Q Has Betsey any children? A Just one.
Q What is it's name? A Tom. Never have been before the Commission at all, Tom aint; Betsey neither.
Q Never have been before the Commission? A No.
Q Are any of your wife's mother's brothers living? A That is, Bicey Moses' brothers; are any of them living? A No.
Q Did she ever have any brothers? A Had one, dead.
Q Did he leave any children? A Yes, left three, children.
Q What are their names? A I don't know.
Q Where do they live? A My wife uncle named Phillip, but he dead.
Q You don't know their names, or where they live? A Live below me somewhere, and some over here at edge of Neahoba, scattered after his pa and may died.
Q Is that the only brother she ever had? A Yes, that I know of
Q Did she ever have any sisters? A I think not.
Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Do you want to say anything further? A No sir.

(This applicant has every appearance and characteristics of a full blood Indian; he speaks and understands the Choctaw language, and speaks and understands English fairly well. He is far above the average full blood in intelligence.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the eighth day of October, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L. B. Mosely

Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cow

-----oOo-----

In the matter of the application of Ike Moses, et al., for identification as Mississippi Choctaws, M C R 3737.

-----: D E C I S I O N :-----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on October 8, 1901, by Ike Moses, for himself, his wife Ann Moses, and his four minor children, Nicey, Lottie, Edna and Elsie Moses, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.


Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of

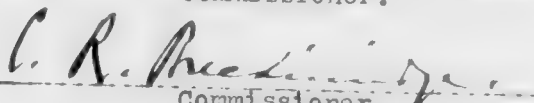
this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate in the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Ike Moses, Ann Moses, Nicey Moses, Lottie Moses, Edna Moses and Elsie Moses should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


Commissioner.

Muskogee, Indian Territory

APR 11 1903

COPY.

M.O.R. 3737.

Muskogee, Indian Territory, April 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 11, 1903, identifying Ike Moses, his wife, Ann Moses, and minor children, Nicey Moses, Lottie Moses, Edna Moses and Elsie Moses as Mississippi Choctaw Indians under the provisions of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Ike Moses, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED), *James Bixby.*
Chairman.

Registered.

Enc. 3737.

COPY.

M.U.N. 3737

Muskogee, Indian Territory, April 27, 1903.

The Moses,

Trapp, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 11, 1903, identifying yourself, your wife, Ann Moses, and four minor children, Niecey Moses, Lottie Moses, Edna Moses and Elsie Moses, as Mississippi Choctaw Indians under the provisions of article 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 11, 1903, you will have six months from that date, or until April 11, 1904, within which to make proof of such removal and settlement at the office of the Commission at Ateka, Choctaw Nation, or Fishomingo, Chickasaw Nation.

Respectfully,

RECORDED

Jame Bixby.

Chairman.

Registered.

Enc. 3737.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE
Identification
Application for ~~enrollment~~ of

INFANT CHILD

Elvie Moser.

IN RE ~~Elvie Moser.~~

MISSISSIPPI CHOCTAW.

Approved,

190

Commissioner.

See Moser Card No. 176

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation, and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

Acting Chairman.

Mississippi Choctaw #176

3737

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 21 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification
IN RE Application for ~~Birth~~ ^{Identification} ~~as a citizen~~ ^{Mississippi Choctaw} Nation,
of Elsie Moses, born on the 10 day of November, 1900.
(Here insert name of child)
Name of Father: Ike Moses, a ~~citizen~~ ^{full blood Choctaw} ~~Nation~~
Name of Mother: Ann, a ~~citizen~~ ^{full blood Choctaw} ~~Nation~~
Post-office, Trapp, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
State of Mississippi }
County of Lauderdale }
I, Ann Moses, on oath state that I am 27
years of age and a ~~citizen~~ ^{Full Blood} ~~of the~~ Choctaw Indian ~~Nation~~;
that I am the lawful wife of Ike Moses, who is a ~~citizen~~ ^{by}
Full Blood ~~of the~~ Choctaw Indian ~~Nation~~, that a Female child was
(male or female)
born to me on the 10th day of November, 1900; that said child has been
named Elsie Moses, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

J. A. Majors
C. H. Majors

Ann x Moses
mark

Subscribed and sworn to before me this 12th day of October, 1901.
J. J. Ingraham, Jr. NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
State of Miss. }
County of Lauderdale }
I, Ike Moses, on oath state that I
attended on Ann Moses my wife
on the 10 day of November, 1901; that there was born to her on
said date a female child; that said child is now living and has
(male or female) ~~is said to have been~~
named Elsie Moses.

WITNESSES TO MARK

(Must be Two
Witnesses)

R. I. Street
Guyle V. Emory

Ike x Moses
mark

Subscribed and sworn to before me this 12th day of October, 1901.

J. J. Ingraham, Jr.
NOTARY PUBLIC

No. 3737

For Identification as a Mississippi Choctaw.

Date OCT 18 1901

Name Ike Moses

Age 35 Blood full

Post Office, Trapp, Miss.

Father, Tugheanola Moses d

Mother, Sallie Gamit, L

Claims through both parents.

Wife Ann Moses (full) 27 d

Father, Moses d

Mother Bicey d

(Ann, Miss. Choctaw card No. 176.)

Appearance 4/31/99

Children:

Alicey Moses 14

Lattie " 13

Edna " 5

Elsie " 1/ma

(Claims for self wife and 4 minor children)

Stenographer

R. S. Street.

Choctaw MCR 3738

Iola A. Moore

See MCR 3358

MCR 3738

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 11, 1901.

3738

In the matter of the application for identification as Mississippi Choctaw of Iola A. Moore and her four minor children Burt, Minnie R., Eddie S. and Vera A. Moore.

Applicant not represented by attorney.

Iola A. Moore being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Iola A. Moore.
Q What is your age? A Twenty-six.
Q What is your post-office address? A Bonham, Texas.
Q How long have you lived there? A One year.
Q Where did you live before you lived there? A In Cook County, Texas? A Yes sir.
Q Where did you live before that? A At home with my father.
Q Where was that? A Grayson County, Texas? A Yes sir.
Q Where were you born? A Grayson County.
Q Have you always lived in Texas then? A Yes sir.
Q What is your father's name? A Hamilton D. Brooks.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Ann.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A My grandmother was one-quarter.
Q Then your father would be one-half of that? A Yes sir.
Q One-half of that is one-eighth and you would be one half of that which is one-sixteenth.
Q Did your father ever make application for identification as a Mississippi Choctaw to the Dawes Commission? A Yes sir.
Q When did he come here? A I cannot tell you exactly when he was here it has not been long ago though. The 27th day of August I think.
Q Do you want your testimony and evidence taken up in connection with his when your case is taken up for consideration in order that you may get the benefit of his testimony? A Yes sir.
Q What other relatives of yours have appeared here for identification as Mississippi Choctaws? A I have three brothers and two aunts.
Q Can you give me the names of your brothers? A William, Riley and John Henry Brooks.
Q These are your brothers? A Yes sir.
Q Now give me the names of your other relatives? A Aunt Eliza Bonbardar, uncle Francis Marion Brooks.
Q Now the names of any other relatives? A Sarah Burnett.
Q What relation is she to you? A She is my aunt my father's sister.
Q Any others? A Whitt Brooks and Ambrose Brooks.
Q These have all appeared before the Commission for identification have they? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in the Indian

- Territory? A No sir not that I know.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A F. M. Moore.
- Q Is he a white man or an Indian? A White man.
- Q Do you make any application for him? A No sir.
- Q Have you any children under twenty-one years of age and unmarried for whom you want to apply? A Yes I have four.
- Q What is the name of the oldest? A Burt Moore.
- Q How old is he? A He is nine years old.
- Q Next? A Minnie E. Moore.
- Q How old? A Eight years old.
- Q Next? A Eddie C. Moore.
- Q How old? A Five years old.
- Q Next? A Cera A. Moore.
- Q How old? A Two years old.
- Q You claim for these children and yourself? A Yes sir.
- Q Is F. M. Moore the father of these children? A Yes sir.
- Q When and where were you married to him? A The 14th of December 1890, in Grayson County, Texas.
- Q By a minister and under a license? A Yes sir.
- Q Is your name on the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Sir?
- Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Yes sir.
- Q Are you and they enrolled as Choctaw Indians by the Choctaw tribal authorities, are you Indians already? A No sir.
- Q Well you must not say Yes when you do not know what I mean?
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 for yourself and your children? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? either you or your children? A No sir.
- Q Is this the first application of any kind that you have ever made for yourself and children for enrollment as a Choctaw citizen to either the Choctaw tribal authorities and the United States authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your children as Choctaw Indians under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of the treaty? A No sir I do not

The treaty of 1830 was made between the United States government and the Choctaw Indians who at that time lived partly in the State of Mississippi and the State of Alabama in what was called the old Choctaw Nation, that was their original country. In the year 1830 the government tried to get them to move to the New Choctaw Nation, Indian Territory and for that purpose this treaty of 1830 was drafted. Before it was signed it became apparent that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was inserted in the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the

ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now, article fourteen, sufficient ly to claim under it? A Yes sir.
- Q What is the name of your ancestors through whom you claim your right to be identified? A Thomas K-i-l-l-e-y- (Killy)
- Q What kind was he to you? A He was my grandfather.
- Q You claim through your father do you not? A Yes sir
- Q Your father had how much Choctaw blood? A One-eighth.
- Q He claimed through whom? A His mother.
- Q And what was her name? A Julia Ann Brooks.
- Q That was her maiden name? A No sir that was her name after she was married.
- Q What was her maiden name? A Killee.
- Q And what was her father's name? A Thomas.
- Q This is the Thomas you claim through? A Yes sir.
- Q How much Indian blood did he have? A One-half.
- Q Did he speak the Choctaw language? A No sir.
- Q Did he have any Indian name, any other name besides this name that you know of? A No sir.
- Q Did he ever live in Mississippi or Alabama? A Yes he lived in Mississippi.
- Q Did he live in Mississippi in 1830 do you know? A I don't know.
- Q Was he the head of a family at that time? A I don't know.
- Q When did he live in Mississippi if you know? A I can't tell you.
- Q How old is your father? A I can't tell you just how old.
- Q You have had your memory refreshed do you think you can tell now how old he is? A Fifty-six.
- Q Was he born in Mississippi? A I can't tell you.
- Q He claims through which parent? A Mother.
- Q Do you know when she died? A No sir.
- Q You know where she died? A In Grayson County, Texas.
- Q How old was she when she died? A I can't tell you.
- Q Did she die in Mississippi? A Yes sir.
- Q Was she married in Mississippi or not? A I don't know.
- Q Do you know anything about whether you have a Mississippi Choctaw ancestor or who lived in Mississippi in 1830 and was the head of a family at that time? A I don't know.
- Q Do you know through which parent Thomas Killee obtained his Choctaw blood? A No I do not.
- Q Did any of your ancestors own any improvements on land in Mississippi in 1830, did they have any land in Mississippi in 1830? A I could not tell you.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward that they intended to stay in Mississippi and take land there? A I don't understand you.

- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory between the years 1833 and 1838? A Yes sir.
- Q When did they go to the Indian Territory, what years do you know? A I don't know.
- Q I asked you if they went between the years 1833 and 1838 are you sure they did? A No sir.
- Q Did the government remove them or did they go at their own expense? A I think they left.
- Q Who went from Mississippi or Alabama to the Indian Territory? A Thomas Killey.
- Q Your great grand father? A Yes sir.
- Q When did he go do you know? A No sir I don't.
- Q You don't know whether he went with the other Indians at government expense between these two dates 1833 and 1838? A No sir.
- Q Did any of your Choctaw ancestors claim or receive any land under article fourteen of the treaty of 1830 in Mississippi do you know? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land or any benefits under any other article of the treaty of 1830 or under the supplement of that treaty? A No sir.
- Q Did they or did they not or don't you know? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government required the Indian Agent Colonel Ward to register the names of all the Choctaws who might desire to remain there in that state. The records of the government show that this Indian Agent failed to record the names of many Indians who really did come before him and make declarations of remaining within six months as provided under article fourteen. As the result of this neglect on the part of the Indian Agent many Indians lost their land and the improvements they had on it and numerous complaints were made by the Choctaws so that Congress in 1837 appointed a Commission, which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose. Both of these Commissions made lists of the names of Choctaws whose claims were favorably passed on.

- Q Do you know if any of your Choctaw ancestors appeared before either of these Commissions, that 1837 or the Commission of 1842 and attempted to or did establish their right to land under article fourteen of the treaty of 1830? A No sir.
- Q Is your answer that they did not go or that you do not know if they went? A I don't understand the question.
- Q Well I have explained it to you in very simple language but will explain it again.

The United States Indian Agent was instructed by the United States government to make a list of the names of Indians who went to his office, within six months after the ratification of the treaty of 1830, and told him that it was their intention to stay in the State of Mississippi and take land there. These claims were made under article fourteen of the treaty of 1830. He failed to record their names, he neglected to do it, he only put on his list the names of a very few who came before him and of course a great many Indians who afterwards were dispossessed of their land claimed that they held this land because they had

gone to Colonel Ward and told him that they wanted to stay in Mississippi. Now if Col. Ward had put these names on his list the government would have seen at once that they had a right to hold this land. Now because the Indian Agent did not do this the government afterwards sold their land which was an injustice done to the Indians. These Indians therefore complained to the United States authority, and Commissions, just as this Commission were appointed to go down to Mississippi and investigate and find out who of these Indians had a right to land under article fourteen of the treaty of 1830. Now my question is:

- Q Did any of your ancestors go before either of these Commission, of 1837 or 1842 and claim benefits under that article, fourteen, do you know whether they did? A My grandfather did.
- Q What is his name? A My Great grandfather Thomas Killey.
- Q He went before Colonel Ward? A Yes sir.
- Q Or did he go before the Commission of 1837 or 1842, what is your knowledge or remembrance of that. If you don't know say that. Do you know that he went before either of these Commissions? A No sir I never knewed it only by what I heard my uncles and aunts and father say.
- Q What did they say? A They said that my grandfather was enrolled with the Indians.
- Q Was he enrolled in 1837 or 1842? A I can't tell you.
- Q Have you any proof of that statement except your own statement. Have you any proof any where of any kind besides what you say? No answer
- Q When you say grandfather you mean Thomas Killey? A Yes sir (??)
- Q Have you any proof of any kind documentary proof of any kind that any of your ancestors went before Col. Ward within six months after the ratification of the treaty of 1837 or went before the Commission of 1837, or the Commission of 1842 and claimed rights under that article of the treaty? A I can't answer that question.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him, he should be entitled to select land elsewhere either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government land and that a certificate should be issued to him to that effect, these certificates were called scrip.

- Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A No answer.
- Q If you don't know say so? A I don't know.
- Q Did you ever hear anything about that, did you ever hear whether any of your people had any land in Mississippi or claimed any? A My grandfather.
- Q You mean your grandfather or great grand father? A I mean Thomas Killey.
- Q You heard he had land in Mississippi? A Yes sir.
- Q Do you know in what part of Mississippi he had that land? A No sir.
- Q Did you ever hear what became of it? A No sir.
- Q You don't know much about that? A No sir.
- Q Have you any witnesses before the Commission to-day that you would like to introduce in support of your claim, do you want to call your father to testify? A Yes sir.
- Q Your father says he does not care to testify and reference will be made to the testimony that he has given so that when your case is considered what he has sworn to will be taken into consideration with your case.

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Q You have some papers there have you? A Yes sir.

Written application of Jela Adelia Moore presented by this applicant received, marked exhibit "A" filed and made a part of the record in this case.

The joint affidavits of P. P. Robertson and H. C. Tuck presented by this applicant, received, marked exhibit "B" filed and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of her application if she desires to do so.

Q Do you speak the Choctaw language or understand it? A No sir.

Q Is there anything further that you want to say now in support of this claim? A No sir.

The applicant has the appearance and physical characteristics of being descended from white parentage. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830? A

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

Subscribed and sworn to before me this 30th day of November 1901.

G. Rosenwinkel
Charles M. Little
Notary Public.

COMMISSIONERS
HENRY L. DAVIS,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRACKETT, RIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 3738

ADDRESS TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 18, 1902.

Iola A. Moore,

Bonham, Texas.

Dear Madam:

You are hereby advised that on the 4th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------------|------------|
| Francis Marion Brooks, et al., | M C R 3358 |
| Sarah Rebecca Burnett, et al., | " 3242 |
| John Franklin Burnett, et al., | " 3243 |
| Rebecca Jane Harding, et al., | " 3244 |
| Sarah L. McClendon, | " 3245 |
| Mary Ella Graham, et al., | " 3247 |
| Anna L. J. Bomberger, | " 3307 |
| Hamilton D. Brooks, et al., | " 3359 |
| Price W. Brooks, et al., | " 3360 |
| Christopher C. Brooks, et al., | " 3371 |
| Andrew J. Brooks, et al., | " 3372 |
| Ambrose A. Brooks, et al., | " 3373 |
| Julie M. McConnell, et al., | " 3416 |
| Christopher C. Bomberger, et al., | " 3417 |
| Lee Gustus Bomberger, et al., | " 3418 |
| William Ely Brooks, et al., | " 3496 |
| John H. Brooks, et al., | " 3496 |
| James A. Brooks, et al., | " 3497 |
| Minnie L. Kennedy, et al., | " 3618 |
| Mary A. Cunningham, et al., | " 3619 |
| Maud L. Bussem, et al., | " 3620 |
| Iola A. Moore, et al., | " 3768 |
| Richard H. Brooks, et al., | " 3807 |
| John M. Brooks, et al., | " 4091 |
| Minnie A. Hoffman, et al., | " 4092 |
| Charles L. Brooks, | " 4093 |
| Nancy Arvey Wininger, et al., | " 4350 |
| Robert A. Brooks, | " 4351 |
| Willie Blackwell, | " 4352 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

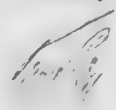
"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambreus A. Brooks, Eattie E. Brooks, Minnie F. Brooks, Mattie M. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John E. Brooks, Wiley Brooks, Dove Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russom, Grever C. Russom, Robert L. Russom, Lula M. Russom, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora

I A X #3

A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, -- McMenamy (infant unnamed) Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks, and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,



Registered.

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLEN A. AYLERWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

M O R 3730

Muskogee, Indian Territory, October 17, 1902.

Iola A. Moore,
Bonham, Texas.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,



Acting Chairman.

M C R 3728

Waskagee, Indian Territory, September 13, 1908.

Iola A. Moore,

Teller, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, requesting to be advised the present status of your application for identification as a Mississippi Choctaw. You state that you have not heard from your application since submitting the same to the Commission.

The records of this office show that on October 11, 1901, you appeared before the Commission to the Five Civilized Tribes at Atoka, Indian Territory, and made application for the identification of yourself and minor children as Mississippi Choctaws. At that time you gave your post office address as Bonham, Texas, and it does not appear that you have since that time notified this office of any change whatever in your post office address.

On June 4, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated Mississippi Choctaw case of Francis Marion Brooks, et al., of which your application is a part, refusing to identify as Mississippi Choctaws, all of the applicants therein. You were notified by registered mail, at Bonham, Texas, of the Commission's action, and said letter was re-

I A M 2

turned to this office marked "unclaimed."

On June 16, 1902, the record in said consolidated case, together with the decision of June 4, 1902, was forwarded the Department for consideration, and the Secretary of the Interior on October 9, 1902, affirmed the decision of the Commission to the Five Civilized Tribes. The letter notifying you of this action by the Secretary was also returned to this office.

Your case is considered closed and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

It is apparent that your failure to receive any word in regard to your case was due to the fact that you did not advise this office of any change in your post office address since the submission of your application October 11, 1901.

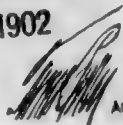
Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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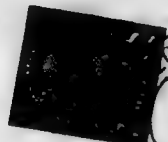
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ACTING CHAIRMAN



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Department of the Interior

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

8905

Iola A. Moore,

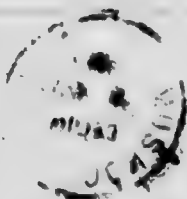
~~Hosham,~~

Texas.

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3738

File



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 11 1902

A handwritten signature in dark ink, appearing to be "T. R. [unclear]".

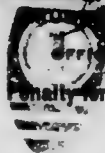
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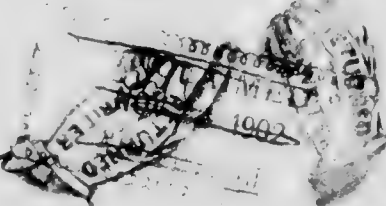
UNCLAIMED



Department of the Interior
Commissioner of the Five Civilized Tribes
GEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.



Sula A. Moore
Bonham, Texas



No. 5738

For Identification as a Mississippi Choctaw.

OCT 11 1901

Date

Name *Iola A. Moore*

Age *26* — Blood *1/16*

Post Office, *BONHAM, Texas.*

Father: *Hamilton D. Brooks. l.*

Mother: *Mary A. " l.*

Claims through *father*
husband

F. M. Moore. w.

No claim for husband.

Children:

| | |
|--------------------|------------|
| <i>Burt Moore</i> | <i>- 9</i> |
| <i>Minnie E. "</i> | <i>8</i> |
| <i>Eddie C. "</i> | <i>5</i> |
| <i>Cora A. "</i> | <i>2</i> |

*Claims for self &
Children —*

Stenographer *G. Rosenwinkel*

Choctaw MCR 3739

Henry P. Evans

See MCR 3740

MCR 3739

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka I.T. October 11, 1901.

3739

In the matter of the application for identification as Mississippi Choctaws of Henry P. Evans and his four minor children Mary Maud, William Harrison, Jennings L., and Hugh B. Evans.

Applicant not represented by attorney.

Henry P. Evans being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Henry P. Evans.
Q What is your age? A I am thirty-seven past.
Q What is your post-office address? A Maud, Bowie County, Texas.
Q How long have you lived there? A Since '82.
Q Where did you live before that? A In Mississippi.
Q Were you born in Mississippi? A In Scott County.
Q And always lived there until you went to Texas? A Yes sir.
Q What is your father's name? A Henry Evans.
Q Your father living? A No he is dead.
Q What is your mother's name? A Mary Evans.
Q She living? A No dead.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I don't know just exactly. My grandmother was a Choctaw, supposed to be full blood or very near.
Q You don't know surely? A About three quarters.
Q You don't know how much Choctaw blood you have got? A No sir not exactly.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Winnie I. Evans.
Q Is she an Indian or white woman? A She is a white woman.
Q You claim for her? A No sir.
Q How many children have you under age and unmarried? A Four.
Q What is the name of the eldest? A Mary Maud? A
Q How old is she? A She is sixteen.
Q What is the next? A William Harrison Evans.
Q How old? A Ten.
Q Next? A Jennings L. Evans.
Q How old? A He is nine.
Q Next? A Hugh B. Evans?
Q How old is he? A Four years old.
Q Is Winnie I. Evans the mother of these children? A Yes sir.
Q You are the father? A Yes sir.
Q They are all living with you at your home? A Yes sir.
Q You claim for yourself and them? A Yes sir.
Q When and where were you married to your wife? A In Bowie County Texas?
Q When? A In '83, September 13th.
Q By a minister and under a license? A Yes sir.

- Q Have you your marriage license and certificate and do you wish to offer it in evidence? A No sir I came by the Court House to get them but outrecords were burned a few years back. We still have some clerks. I want to see if I can get a certificate from the clerk. He told me to see if that was sufficient.

A reasonable time will be allowed this applicant in which to file evidence of his marriage to his wife also proof of the marriage of his father and mother.

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation for yourself and your children? A No sir I started too a few years back but it cost me more means than I had.
- Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the ~~Commissioner of the Five~~ Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Were you or your children ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Did you ever make application to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted as citizens of the Choctaw Nation? A No sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of the treaty? A No sir not exactly.

The treaty of 1830 some times called the treaty of Dancing Rabbit Creek was made at a place in Mississippi by that name. It was entered into between the United States government and the Choctaw tribe of Indians who lived in the old Choctaw Nation, partly in Mississippi and partly in Alabama. The design of the treaty was to remove the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evident that a great many Choctaws would not go to the New Choctaw Nation Indian Territory and in order to protect their interests article fourteen was made a part of the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to

any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830 under which you claim. Do understand that, do you? A Yes sir.
- Q Did any of your ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I didn't know sir.
- Q What was the name of your ancestors through whom you claim Choctaw blood? A Rachel Hailey.
- Q What kin is she to you? A My grandmother.
- Q Your father's mother? A Yes sir.
- Q Did she live in Mississippi in 1830? A Yes sir.
- Q Was she a recognized member of the Choctaw tribe of Indians in 1830? A Yes sir.
- Q How do you know? A I was taught that and I remember seeing Indians at our house.
- Q When I ask you was she a recognized member of the Choctaw tribe of Indians I mean was she an Indian who lived separate from the whites, talked Indian and was with them all the time? A I could not say about that.
- Q Was she the mother of a family of children in Mississippi in 1830? A Yes partly then.
- Q When did your father die? A He died, ---I got it in our bible can I look there for it?
- Q Yes you may look there? A He died in 1876.
- Q How old was he at that time? A Fifty-eight years old.
- Q He was born before 1830? A Yes he was born in 1818.
- Q Where was he born? A In Mississippi in Rankin County.
- Q Did he have any younger brothers and sisters than he? Q He was the youngest child.
- Q Was he living in Mississippi himself as a child in 1830 with his father and mother? A Yes he was born and raised there.
- Q Do you know when his mother Rachel Hailey died? A She died in 1850.
- Q Where did she die? A In Mississippi.
- Q Where was she born and when? A In Mississippi in 1782.
- Q And always lived in Mississippi and died there? A As far as I can find out.
- Q What was her husband's name? A Davis Evans.
- Q Then Rachel Hailey was her maiden name? A Yes sir.
- Q Could she speak the Choctaw language? A That is what I have been told.
- Q By members of your family? A By my mother.
- Q Did she have any Indian name? A No sir not that I know of.
- Q Did she own any improvements on land in Mississippi? A Not that I know of.
- Q Did she own any land there at all do you know? A Not that I know of.
- Q Did she or did any of your Choctaw ancestors go within six months after the ratification of the treaty of 1830 to the United States Indian Agent whose name was Colonel Ward and tell him that they intended to stay and take land in Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I was told by my parents that she had a brother that came to the Territory.
- Q You don't know when? A No sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any benefits under any other article than article fourteen of the treaty of 1830 or under the supplement of that treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent in Mississippi at that time, whose name was Colonel Ward, was instructed by the government to make a list of all names of Choctaw Indians who went before him within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States. This Indian Agent neglected to do as ordered by the government because he put upon his list the names of only a few Indians who appeared before him within six months after the treaty was ratified as provided for in article fourteen. The result of his neglect was that a great many Indians lost their land and the improvements they had upon it in Mississippi, which the government sold at its public land sales. This caused a great deal of complaint among the Choctaws so that in 1837 a Commission was appointed by act of Congress approved March 3 of that year. This Commission went to Mississippi and heard a great many Choctaw claimants under article fourteen and made a list of the successful claimants. In 1842 another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors appear before either of these Commission that of 1837 or the Commission of 1842 and claim rights as beneficiaries under article fourteen of that treaty?
A No.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken from him he should be entitled to select land either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands, and that a certificate should be issued to him to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the government? A I don't know.

- Q Have you any documentary evidence that you want to file now, any papers of any kind? A Yes sir.

Certificate of J. W. White, clerk of the Chancery Court of Rankin County, Mississippi presented by the applicant, marked exhibit "A" filed and made a part of the record in this case.

Affidavit of W. H. Jackson presented by applicant, marked exhibit "B" filed and made a part of the record in this case.

Affidavit of J. W. Bass presented by applicant, marked exhibit "C" filed and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to file further documentary evidence or other evidence in support of his claim also proof of the marriage of his father and mother and proof of his own marriage.

- Q Do you speak Choctaw or understand it? A No sir.
Q Is there anything further that you want to say in support of your application? A Yes I have a sister here that wants to file in the same evidence.
Q You will have to get separate copies in each case.

[REDACTED]

[REDACTED] is a
full, true and correct copy of the
in said cause on said date of [REDACTED]

Subscribed and sworn to before me this 27th day of November 1891

Clara Mitchell
Notary Public.

RECEIVED

STATE OF MISSISSIPPI)

RANKIN COUNTY)

I, G. W. White, Clerk of the Chancery Court in and for the said County and State, do hereby certify that on the 28th day of July, 1836, John Evans, then a resident of Rankin County, Mississippi, conveyed by deed to David Evans Sr., who was also a resident of said County and State, the land described as the North half of the West half of the North East Quarter of Section No. three, in Township No Five of Range No. two East, containing forty & 17/100 acres; which said ~~deed~~ appears of record, in Book of Deeds, No 3 on Page 98, in the Chancery Clerk's Office of Rankin County, Mississippi.

Given under my hand and seal of office,
this the 23rd day of September, 1901.

G. W. White
Clerk.

Muskogee, Indian Territory, November 8, 1901.

H. P. Evans,

Maud, Texas,

Dear Sir:

Receipt is her by acknowledged of your letter of October 30, 1901, with which you inclose affidavit of T. J. Watlington, former clerk of the court of Bowie County, Texas, and certificate of Frank A. King, present clerk of the court of Bowie County, Texas, in regard to the marriage of Henry P. Evans and W. T. Lindsay, and affidavit of F. C. Flanagan, which you offer in support of your application for the identification of yourself and minor children as Mississippi Choctaws.

Also affidavit of F. C. Flanagan which you offer in support of the application of Elvira L. McNickle, et al. for identification as Mississippi Choctaws. The same have been duly filed with the records in these two cases.

Yours truly,

Acting Chairman.

20,000

Muskogee, Indian Territory, February 6, 1903.

Henry P. Evans,
Rand, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixth instant, in which you ask what disposition has been made of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that no decision has yet been reached or opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 3739.

Muskogee, Indian Territory, July 22, 1902.

Henry P. Evans,
Kand, Texas.

Dear Sir:

You are hereby advised that on the 22d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elvira L. McKickle, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|-------------|
| Elvira L. McKickle, et al., | M.C.R. 3740 |
| Ab McKickle, et al., | " 3743 |
| James P. McKickle, et al., | " 3742 |
| Susie Hooks, | " 3741 |
| Henry P. Evans, et al., | " 3739 |
| Anna Lindsey, et al., | " 3738 |
| Ells Koshelle, et al., | " 3737 |

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elvira E. McMickle, Nellie McMickle, May McMickle, Robert McMickle, Ethel McMickle, Ab McMickle, Thelma McMickle, Paul McMickle, James P. McMickle, Lydia McMickle, Susie Hooks, Henry P. Evans, Mary Maud Evans, William Harrison Evans, Hemming L. Evans, Hugh B. Evans, Anna Lindsey, Hugh E. Lindsey, Olive E. Lindsey, Ras Lindsey, Myrtle Lindsey, Nellie Lindsey, Ruth Lindsey, Earnest Lindsey, Ella Rochelle, Arlie E. Rochelle, Muriel Rochelle and James Rochelle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY.

M. C. R. 3739

Muskogee, Indian Territory, October 17, 1902.

Henry P. Evans,

Maud, Texas.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elvira L. McKickle, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

(SIGNED)

Fannie Dixie.
Acting Chairman.

N.O.R. 3739.

Muskogee, Indian Territory, February 14, 1903.

Henry P. Evans,

Idaho, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th inst., in which you state that since you forwarded your application you have discovered more evidence and can now prove that you are a Choctaw Indian and ask if there is any chance to introduce such evidence in your case.

Replying to your letter, you are informed that the Secretary of the Interior having approved, October 9, 1902, the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws of which departmental action you were, on October 17, 1902, duly notified.

The Commission considers the case closed and cannot receive or consider further evidence therein.

Respectfully,

Acting Chairman.

M.C.R. 3739.

COPY

Muskogee, Indian Territory, November 14, 1906.

Henry F. Evans,
Maud, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 3, 1906, denied the petition filed with this office by L. D. Horton, attorney at law, Durant, Indian Territory, on April 12, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Respectfully,

John H. ...
Commissioner.

3739

For Identification as a Mississippi Choctaw.

Date OCT 11 1901

Name Henry P. Evans.

Age 37

Blood don't know.

Post Office, Maud, Texas, -

Father: Henry Evans d

Mother: Mary " d

Claims through father
 wife - Winnie J. Evans. w.
 No claim for wife -

Children:

| | |
|----------------|----|
| Mary M. Evans, | 16 |
| William H. " | 10 |
| Amirings L. " | 9 |
| Hugh B. " | 4 |

Claims for self
 & children

Stenographer G. Rosenmire

Choctaw MCR 3740

Elvira S. McMickle

See MCR 3743, 3742, 3741
3739, 3969, 3829

MCR 3740

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the applications of Elvira L. McMickle, et al., for identification as Mississippi Choctaws, consolidating the following applications:

| | |
|-----------------------------|------------|
| Elvira L. McMickle, et al., | M C R 3740 |
| Ab McMickle, et al., | M C R 3743 |
| James P. McMickle, et al., | M C R 3742 |
| Susie Weeks, | M C R 3741 |
| Henry P. Evans, et al., | M C R 3739 |
| Annie Lindsey, et al., | M C R 3969 |
| Ellen Rachelle, et al., | M C R 3829 |

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Elvira L. McMickle, et al.

| | Page. |
|--|-------|
| Original application of Elvira L. McMickle, et al., before the Dawes Commission for identification as Mississippi Choctaws | 1 |
| Original application of Ab McMickle, et al., to the Dawes Commission for identification as Mississippi Choctaws | 7 |
| Original application of James P. McMickle, et al., to the Dawes Commission for identification as Mississippi Choctaws | 12 |
| Marriage record of J. P. McMickle and A.T. Funn | 18 |

| | Page. |
|---|-------|
| Original application of Susie Hooks to the Dawes Commission for identification as a Mississippi Cheetaw . . | 19 |
| Original application of Henry P. Evans, et al., to the Dawes Commission for identification as Mississippi Cheetaws | 24 |
| Affidavit of W. H. Jackson | 29 |
| Affidavit of J. U. Bass | 32 |
| Certificate of T. J. Waddington, clerk of county court of Bowie county, Texas, in 1889, . | 34 |
| Certificate of Frank A. King, clerk of county court of Bowie county, Texas, | 38 |
| Affidavit of F. C. Flanagan | 36 |
| Original application of Anna Lindsey, et al., to the Dawes Commission for identification as Mississippi Cheetaws | 38 |
| Original application of Ellen Rochelle, et al., to the Dawes Commission for identification as Mississippi Cheetaws | 44 |
| Decision of the Commission denying the applications of Elvira L. McMickle, et al., Ab McMickle, et al., James P. McMickle, et al., Susie Hooks, Henry P. Evans, et al., Annie Lindsey, et al., and Ellen Rochelle, et al., for identification as Mississippi Cheetaws | 50 |

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 11, 1901.

#3740.

In the matter of the application of Elvira L. McMickle
for the identification of herself and her four minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

Elvira L. McMickle, being first duly sworn, upon her
oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Elvira L. McMickle.
Q What is your age? A Fifty-seven.
Q How's that? A Fifty-seven.
Q What is your Post Office address----where you get your mail?
A Texarkana.
Q How long have you lived there? A About twenty-five years.
Q Where were you born? A Mississippi.
Q What place in Mississippi? A Rankin County.
Q How long did you stay in Mississippi before you went to Texas----I
suppose you went straight to Texas from Mississippi? A Yes sir.
Q And how long did you live in Mississippi? A About ten or twelve
years.
Q About how long? A About twenty years I reckon.
Q How much? A Twenty years, I guess.
Q Give your best recollection now, about how long you lived in Miss-
issippi before you went to Texas---twenty-five or thirty years?
A Yes, I guess about twenty-five.
Q About twenty-five? A Yes sir.
Q Then you went to Texas? A Yes.
Q You were married in Mississippi? A Yes sir.
Q Then went to Texas? A Yes sir.
Q And have lived in Texas ever since? A Yes sir.
Q What is your father's name? A Henry Evans.

(2).

- Q Henry Evans? A Yes sir.
- Q Is he living or dead? A He's dead.
- Q Is Henry P. Evans your brother? A Yes sir.
- Q He appeared for identification to-day did he not, October 11---
came here to-day? A I am hard of hearing myself---I didn't
understand you.
- Q He came before the Commission to-day, didn't he? A Yes sir.
- Q Do you claim through the same common ancestor that he claims
through? A Yes sir.
- Q Do you want to have his evidence considered with yours when yours
is taken up for consideration? A Yes sir.
- Q What is your mother's name? A Sanford.
- Q Mary Evans wasn't it? A No sir, my father was married twice.
- Q How then, your mother's name wasn't Mary Evans. What was her
first name? A Gilley Sanford.
- Q That's her maiden name? A Yes sir.
- Q Gilley Evans isn't it? A Yes sir.
- Q How do you spell that, any way? A S-i-l-l-e-y .
- Q Is she living or dead? A Dead.
- Q Through which parent do you claim Choctaw blood, father or
mother? A Father.
- Q How much Choctaw blood do you claim? A I don't know, the same
as he does.
- Q How? A I don't know nothing about it---I never saw my grand-
mother.
- Q Don't know? A Yes sir.
- Q Has your father ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians by either the Choctaw
Tribal Authorities or the United States Authorities in the Indian
Territory? A I don't know, sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Egbert P.
- Q E-g-b-e-r-t? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q Do you make any claim for him? A What?
- Q Do you make any claim for him? A No sir.
- Q What are the names of your children under twenty-one years of age
and unmarried? A Nellie.
- Q The oldest Nellie? A Yes sir.
- Q How old is Nellie? A She's nineteen.
- Q That is a girl I suppose? A Yes sir.
- Q What is the name of the next child? A May.
- Q What? A May.
- Q How old? A Seventeen.
- Q Next? A Twins, is eleven years old.
- Q What is the name? A Egbert and Ethel.
- Q Eleven? A Yes sir.
- Q Is that all? A Yes sir.
- Q You claim for yourself and these children do you? A Yes sir.
- Q Is Egbert P. McNickle the father of these children? A Yes sir.
- Q When and where were you married to him? A In Mississippi.
- Q Whereabouts in Mississippi? A Scott County.
- Q I can't hear you? A Scott County.
- Q And when? A In '64.
- Q What day of the month? A Nineteenth of September.
- Q Nineteenth of what? A Nineteenth of September---December.
- Q Nineteenth of December, 1864? A Yes sir.
- Q Is your name or the name of any of these children on any of the

(3).

Tribal Rolls of the Choctaw Nation in the Indian Territory? A You mean was I----?

Q Ever enrolled as an Indian? A No sir.

Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.

Q Under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Is this the first application you ever made for yourself and children to any authority whatever? A Yes sir.

Q Do you now come before this Commission for the purpose of identifying yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that treaty? A No sir.

Q You don't understand article fourteen of it? A No.

Q The treaty of 1830 was made between the United States Government and the Choctaw Indians September 27th, of that year, and was made for the purpose of removing all of the Choctaw Indians from the old Choctaw Nation which was partly in the state of Mississippi and partly in the state of Alabama, to the New Choctaw Nation, Indian Territory, but before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Choctaw Nation in the Indian Territory, and as some provision had to be made for them, article fourteen was put into the treaty for their benefit. Now article fourteen reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that do you, sufficiently to claim under it? A Yes sir.

Q Did any of your Choctaw ancestors if Choctaw Indians, comply with or attempt to comply with any of the provisions of this article fourteen that has been read to you? A I don't know----couldn't say.

Q You don't know? A No sir.

Q What is the name of your ancestor through whom you claim your Choctaw blood? A Hailey---Rachael Hailey.

(4).

- Q That was her name before she was married? A Yes sir.
- Q What was her married name? A Evans.
- Q Rachael Evans? A Yes sir.
- Q You claim through your father, don't you? A Yes sir.
- Q Can you tell how much Choctaw blood he had? A No sir, I don't know myself.
- Q And he claimed through which parent----father or mother? A Mother.
- Q Rachael Evans? A Yes sir.
- Q She claimed through which parent----father or mother----do you know? A I couldn't tell.
- Q Did she live in Mississippi? A Yes sir.
- Q Did she die there? A Yes sir.
- Q When did she die----do you know? A No sir, I couldn't say.
- Q How old was she when she died? A She was tolerable old----I don't know how old she was.
- Q Did she live in Mississippi in 1830? A Yes sir.
- Q Was she living there then? A Yes sir, I think so----at that time
- Q Did she have a family at that time----in 1830----living with her? A I think they was all married off.
- Q But she was born there and married there and had her family there? A Yes sir.
- Q Did she own any improvement on land in Mississippi in 1830? A I don't know that, either.
- Q What was her husband's name? A Dave Evans.
- Q Dave? A Yes sir.
- Q Did she or any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A I don't know----I don't think so.
- Q Did she or any of your Choctaw ancestors within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A I don't know, sir.
- Q Did she or any of your Choctaw ancestors receive or claim any land in Mississippi from the Government of the United States as Choctaw Indians under article fourteen of the treaty of 1830? Do you know? A No sir, I don't know.
- Q Did she or they, any of them, claim any land or receive any, or any benefits whatever under any other article of that treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know----couldn't say.
- Q Have you any records anywhere, or any proof whatever, besides your own statement that you are descended from a Mississippi Choctaw ancestor who had Choctaw blood, and can prove the quantity of blood this ancestor had, and that this ancestor or any of your ancestors complied with any of the provisions of article fourteen of the treaty of 1830? A No sir, I haven't any myself.
- Q Have you any proof now with you of the marriage of your father and mother? A No.
- Q You think you can introduce that later if given time? A Yes sir.
- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the name the treaty of 1830 was sometimes called, the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time was instructed to make a list of the names of all Mississippi Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and

(5).

take land there.. This Indian Agent failed to record the names of a great many Choctaw Indians who did that and as a result of this neglect of his many Choctaw Indians who held land in Mississippi and Alabama had that land taken from them by the United States Government and they were deprived of both land and improvements. This led to a great many complaints on the part of the Indians, so that in 1837, Congress, by an Act approved March 3rd of that year, appointed a Commission which Commission went to Mississippi and heard a great many Choctaw Indians who claimed rights under article fourteen, and made lists of the names of successful claimants. In 1842 another Commission was appointed by Congress for the same purpose, and they made a list of Choctaw Indians whose claims were approved under article fourteen. Did any of your ancestors appear before either of these Commissions, that of 1837 or the Commission of 1842, and claim any rights or benefits under article fourteen of the treaty of Dancing Rabbit Creek or the treaty of 1830? A I don't know.

Q Don't know? A No sir.

Q The Act of Congress approved August 23, 1842, provided that if a claimant came before that Commission and proved his claim under article fourteen, and if it also appeared that he had previously had his land taken from him by the Government, that he should be entitled to select land either in Mississippi, Louisiana, Alabama or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No sir.

Q Have you any papers or documents of any kind that you would like to introduce now in support of your claim----any papers of any kind? A No, I haven't any.

Q You think you can produce some later do you, if given time? A Yes sir, I guess so.

A reasonable time will be given this applicant in which to present documentary evidence or evidence of any proper kind that she desires in support of her application. Also proof of the marriage of her father and mother.

Q Do you speak Choctaw, or understand it? A No sir.

This applicant has the appearances and physical characteristics of being descended from white parentage. Had dark complexion, dark brown eyes and dark hair. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

(8).

Hal Telford, being first duly sworn, upon his oath states that as a witness in the case of the State of Ohio vs. John T. Brown, he appeared in said case, the proceedings in the above entitled cause on October 12, 1901, and that the foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Telford

Subscribed and sworn to before me this 9th day of November, 1901.

Charles H. Sawyer

Notary Public.

*Leah
C.V.W.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of Elvira McMickle,
et al., for identification as Mississipp Chootaws, consolidating
the applications of -

| | |
|-----------------------------|------------|
| Elvira L. McMickle, et al., | M C R 3740 |
| Ab McMickle, et al., | M C R 3743 |
| James P. McMickle, et al., | M C R 3742 |
| Susie Hooks, | M C R 3741 |
| Henry P. Evans, et al., | M C R 3739 |
| Anna Lindsey, et al., | M C R 3969 |
| Ella Rochelle, et al., | M C R 3829 |

DECISION.

It appears from the record herein that applications for
identification as Mississippi Chootaws were made to this Commission
by Elvira L. McMickle for herself and her four minor children,
Nellie May, Egbert, and Ethel McMickle; by Ab McMickle for himself
and his two minor children, Thelma and Paul McMickle; by James P.
McMickle for himself and his minor child, Lydia McMickle; by Susie
Hooks for herself; by Henry P. Evans for himself and his four minor
children, Mary Maud, William Harrison, Hemmings L., and Hugh B.
Evans; by Anna Lindsey for herself and her seven minor children,

Hugh E., Olive E., Sam, Myrtle, Nellie, Ruth, and Earnest Lindsay; by Ella: Rachelle for herself and her three minor children, Arlie E., Muriel, and James Rachelle, under the following provisions of the act of Congress, approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Rachel Evans (nee Haley or Hailey), who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

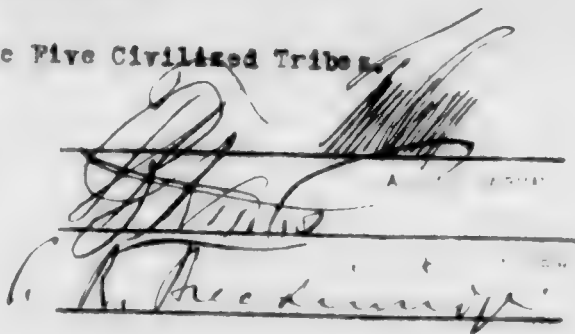
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who applied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Rachel Evans,

(nee Haley or Valley), or any of the applicants herein, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elvira L. McKickle, Nellie McKickle, May McKickle, Egbert McKickle, Ethel McKickle, Ab McKickle, Thelma McKickle, Paul McKickle, James P. McKickle, Lydia McKickle, Susie Hooks, Henry P. Evans, Mary Maud Evans, William Harrison Evans, Pennington L. Evans, Hugh E. Evans, Anna Lindsey, Hugh E. Lindsey, Olive M. Lindsey, Ras Lindsey, Myrtle Lindsey, Nellie Lindsey, Ruth Lindsey, Earnest Lindsey, Ella Rochelle, Arlie S. Rochelle, Muriel Rochelle and James Rochelle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.

The block contains two handwritten signatures in ink. The first signature is written over a horizontal line, and the second signature is written below it, also over a horizontal line. The signatures are cursive and somewhat stylized.

Muskogee, Indian Territory,

JUL 22 1902

Muskogee, Indian Territory, November 8, 1901.

H. P. Evans,

Maud, Texas,

Dear Sir:

Receipt is her by acknowledged of your letter of October 30, 1901, with which you inclose affidavit of T. J. Watlington, former clerk of the court of Bowie County, Texas, and certificate of Frank A. King, present clerk of the court of Bowie County, Texas, in regard to the marriage of Henry P. Evans and W. T. Lindsay, and affidavit of F. C. Flanagan, which you offer in support of your application for the identification of yourself and minor children as Mississippi Choctaws.

Also affidavit of F. C. Flanagan, which you offer in support of the application of Elvira L. McKie, et al. for identification as Mississippi Choctaws. The same have been duly filed with the records in these two cases.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 3740.

Muskogee, Indian Territory, July 22, 1903.

Elvira L. McMickle,
Tombigbee, Texas.

Dear Madam:

You are hereby advised that on the 22d day of July, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elvira L. McMickle, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|-------------|
| Elvira L. McMickle, et al., | M.C.R. 3740 |
| Ab McMickle, et al., | " 3743 |
| James P. McMickle, et al., | " 3742 |
| Susie Hooks, | " 3741 |
| Henry P. Evans, et al., | " 3739 |
| Anna Lindsay, et al., | " 3669 |
| Wila Michelle, et al., | " 3669 |

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elvira L. McKickle, Nellie McKickle, May McKickle, Robert McKickle, Ethel McKickle, Ab McKickle, Thelma McKickle, Paul McKickle, James P. McKickle, Lydia McKickle, Essie Hooks, Henry P. Evans, Mary Maud Evans, William Harrison Evans, Hennings L. Evans, Hugh B. Evans, Anna Lindsey, Hugh H. Lindsey, Olive H. Lindsey, Ras Lindsey, Myrtle Lindsey, Nellie Lindsey, Ruth Lindsey, Earnest Lindsey, Ella Rochelle, Arlie S. Rochelle, Muriel Rochelle and James Rochelle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1850, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY.

M.C.R. 3740.

Washoe, Indian Territory, July 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Elvira L. McKickle, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 23, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

| | |
|-----------------------------|-------------|
| Elvira L. McKickle, et al., | M.C.R. 3740 |
| Ab McKickle, et al., | " 3743 |
| James P. McKickle, et al., | " 3742 |
| Justin Hester, | " 3741 |
| Henry P. Evans, et al., | " 3739 |
| Anna Lindsey, et al., | " 3969 |
| Willa Roubelle, et al., | " 3989 |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised in

(Secretary-2)

letter of the action of the Commission, copies of said letters
being attached to the record.

Respectfully,

Through the Commissioner of
Indian Affairs.

Commissioner in Charge.

1 enclosure.

COPY.

H.C.R. 2740.

Mustang, Indian Territory, July 22, 1908.

Manfield, McHerry & Corvick,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22d day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elvira E. McMichie, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|-------------|
| Elvira E. McMichie, et al., | H.C.R. 2740 |
| Ab McMichie, et al., | " 2743 |
| James F. McMichie, et al., | " 2742 |
| Samuel McGee, | " 2741 |
| Henry F. Evans, et al., | " 2739 |
| Anna Lindsay, et al., | " 2740 |
| Wm. McMichie, et al., | " 2741 |

These applications were made under the provision of the act of Congress of June 20, 1906 (34 Stat. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article thirteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-second, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elvira L. McKickle, Nellie McKickle, May McKickle, Robert McKickle, Ethel McKickle, Ab McKickle, Thelma McKickle, Paul McKickle, James F. McKickle, Lydia McKickle, Susie Neeks, Henry P. Evans, Mary Maud Evans, William Harrison Evans, Hennings L. Evans, Hugh B. Evans, Anna Lindsey, Hugh B. Lindsey, Olive E. Lindsey, Rex Lindsey, Myrtle Lindsey, Nellie Lindsey, Ruth Lindsey, Earnest Lindsey, Ella Rochelle, Arlie S. Rochelle, Marial Rochelle and James Rochelle, as Cheatar Indians entitled to rights in the Cheatar lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

C - a - p - y.

DEPARTMENT OF THE INTERIOR.

: Land. :
: 43968-1902. :

Office of Indian Affairs,

Washington, Oct. 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Said case includes the following applications: Elvira L. McMickle applies for herself and her four minor children, Nellie, May, Egbert and Ethel; Ab McMickle for himself and his two minor children, Thelma and Paul; James P. McMickle for himself and his minor child, Lydia; Susie Hooks for herself; Henry P. Evans for himself and his four minor children, Mary Maud, William Harrison, Hennings L. and Hugh E.; Anna Lindsey for herself and her seven minor children, Hugh E., Olive M., Ras, Myrtle, Nellie Ruth and Earnest; and Ella Rochelle for herself and her three minor children, Arlie E., Muriel and James.

Descent is claimed from Rachel Evans, nee Haley or Hailey.

The applicants are not full-blood Choctaw Indians; the records of this office do not show that the above-named ancestor received a patent for land under the provisions of the fourteenth ar-

-2-

title of the Treaty of Dancing Rabbit Creek, or received or in any manner attempted to secure the benefits of said article.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications, be affirmed.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. 18392.

C - o - p - y.

NAF.

DEPARTMENT OF THE INTERIOR.

ITD. 6078-1902.

Washington, October 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 22, 1902, you transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, to-wit: Elvira L., Nellie, May, Egbert, Ethel, Ab, Thelma, Paul, James P. and Lydia McMickle; Susie Hocks; Henry P., Mary Maud, William Harrison, Hennings L. and Hugh B. Evans; Anna, Hugh E., Olive M., Ras, Myrtle, Nellie, Ruth and Earnest Lindsey; Ella, Arlie S., Muriel and James Rochelle.

The applicants endeavor to trace their descent from one Rachel Evans (nee Haley or Hailey), alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Rachel Evans or any of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You rejected the applications by a decision which is undated.

The Acting Commissioner of Indian Affairs recommends ap-

--2--

proval of your decision. A copy of his letter of October 3, 1902, is inclosed.

Having carefully reviewed the entire case, the Department affirms your decision.

Respectfully,

THOS RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 3740

Muskogee, Indian Territory, October 17, 1902.

Elvira L. McMickle,
Texarkana, Texas.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elvira L. McMickle, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

(SIC)

Leone E. Eddy.
Acting Chairman.

COPY.

M. C. R. 3740

Nowkegee, Indian Territory, October 17, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elvira L. McMickle, et al., of which decision you were advised by mail on the 22nd day of July, 1902.

Respectfully,

(SIGNED),

David S. Wiley.
Acting Chairman.

X C R 3740

Muskogee, Indian Territory, February 3, 1906.

E. L. McMickle,

c/o R. Hanson,

Bennington, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th ultimo, stating that you desire to submit the testimony of three witnesses in support of the claims of yourself and H. P. Evans to identification as Mississippi Choctaws. You ask to be advised as to the reasons for the refusal of your applications.

In reply you are informed that it would be necessary for you to secure through the Secretary of the Interior a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al., of which the application of Henry P. Evans, et al. is a part, before this office could receive or consider additional testimony in the case.

Relative to the reopening of your case you are advised that motions for rehearsings are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in Mississippi and Alabama in 1830 and

heads of families, and, as such, complied with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose names appear as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

In order that you may fully understand upon what grounds

E L McMickle 3

your claim was refused, there is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes rendered July 22, 1902, adverse to all the applicants in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Respectfully,

Acting Commissioner.

McM 3/1

Muskogee, Indian Territory, April 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of July 22, 1902, was, on the same date, forwarded to the Department.

On October 9, 1902 (I T D 6078-1902), the Department approved the decision of said Commission in this case, and on October 17, 1902, the several applicants were duly notified of such Departmental action.

This office is now in receipt from L. D. Horton, attorney at law, Durant, Indian Territory, of a petition for a rehearing in the above consolidated case. The same is herewith transmitted for consideration by the Department.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 26/3

K C R 3740

Waukegon, Indian Territory, April 26, 1906.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, transmitting petition for rehearing in the consolidated Mississippi Choctaw case of Elvira L. McKickle, et al. The same has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 4, 1906.

Land.
60197-1902
37671-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of April 26, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, concerning the consolidated Mississippi Choctaw case of Elvira L. McMickle, wherein the record, together with the decision of the Commission to the Five Civilized Tribes, of July 22, 1902, was, on that date, forwarded to the Department.

On October 9, 1902 (I.T. D. 6078-1902), the Department approved the decision of the Commission, and On October 17, 1902, the several applicants were duly notified of the Departmental action.

The Commissioner says that his office is now in receipt from L.D. Horton, an attorney at law of Durant, Indian Territory, of a petition for rehearing in the case mentioned, which is forwarded for the consideration of the Department.

For use in connection with the consideration of this petition the original record in the case is enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

RMH-Y.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 4, 1906.

Land.
60197-1902
37671-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of April 26, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, concerning the consolidated Mississippi Choctaw case of Elvira L. McWickle, wherein the record, together with the decision of the Commission to the Five Civilized Tribes, of July 22, 1902, was, on that date, forwarded to the Department.

On October 9, 1902 (I.T. D. 6078-1902), the Department approved the decision of the Commission, and On October 17, 1902, the several applicants were duly notified of the Departmental action.

The Commissioner says that his office is now in receipt from L.D. Horton, an attorney at law of Durant, Indian Territory, of a petition for rehearing in the case mentioned, which is forwarded for the consideration of the Department.

For use in connection with the consideration of this petition the original record in the case is enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBH-Y.

GR
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

November 3, 1906.

I.T.D. 6078-1902
10158-1906.
48936 LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 26, 1906, you transmitted a petition for a rehearing in the consolidated case of Elvira L. McMickle et al., applicants for identification as Mississippi Choctaws, wherein the Department on October 9, 1902 (I.T.D. 6078), refused to identify the applicants named therein as entitled to benefits under the provisions of article 14 of the treaty of September 27, 1830.

The principal applicant, Elvira L. McMickle, a mixed-blood Choctaw Indian woman, was born in 1844 in Rankin County, Mississippi. She was married in Scott County, Mississippi, on December 19, 1864, and removed therefrom to Bowie County, Texas between 1869-1871, where it is shown that her son, James P. Mc-Mickle, was born in 1871. Applicants were residents of Texarkana, Tex., at the date of their application, on October 11, 1901.

Elvira L. McMickle is the daughter of Henry Evans who was born about 1818 in Rankin County, Mississippi, and died subsequently in that State. Her father, Henry Evans, was the son of Rachael Evans, nee Hailey, Indian name Howltubby, who it is

(2)

alleged was born in Mississippi in 1782, and died in Rankin County therein in 1850.

Applicants in their testimony taken October 11, 1901, at Atoka, Indian Territory, made no claim that their ancestor, Rachael Evans, or her son, Henry Evans, ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, nor is it claimed that either ancestor owned any improvements in the State of Mississippi prior to 1831.

In support of the motion for a rehearing are filed the affidavits of several aged witnesses residing in Mississippi and Indian Territory who claim personal acquaintance with Rachael Evans about 1830, and state that they have personal knowledge that she with her son, John, did apply for the benefits of article 14 of said treaty and were enrolled by U.S. Indian Agent Ward. Said statements are directly contradictory of the statements of principal applicant on the original hearing had herein; nor are said statements supported by the records of the Indian Office or of this Department. Neither the records of the Indian Office nor of this Department show that any person by the name of Rachael Evans, nee Hailey, alias Howltubby, or her son, Henry Evans, ever complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

Said motion for a rehearing is hereby denied, and the Department still adheres to its decision of October 9, 1902,

(3)

refusing to identify the applicants named therein as
Mississippi Choctaws.

You are requested to advise the attorney for moving
parties of this action.

The original record, with the papers filed on motion
for a rehearing have this day been returned for the files of
the Indian Office.

Respectfully,

M. A. Hitchcock.

Secretary.

6 inc. to Ind. Of.

Through the Commissioner
of Indian Affairs.

M.G.R. 3740.

COPY

Muskogee, Indian Territory, November 14, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the petition filed with this office on April 12, 1906, by L. D. Horton, attorney at law, Durant, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al. This case includes the following persons:

Elvira L. McMickle
May McMickle
Ethel McMickle
Thelma McMickle
James P. McMickle
Susie Hooks
Mary Maud Evans
Hennings L. Evans
Anna Lindsey
Olive M. Lindsey
Myrtle Lindsey
Ruth Lindsey
Flla Rochelle
Muriel Rochelle

Nellie McMickle
Egbert McMickle
Ab McMickle
Paul McMickle
Lydia McMickle
Henry P. Evans
William Harrison Evans
Hugh B. Evans
Hugh E. Lindsey
Ras Lindsey
Nellie Lindsey
Earnest Lindsey
Arlie S. Rochelle
James Rochelle

It does not appear that there are any proceedings now pending in this case.

Respectfully,

Tams Bixby.
Commissioner.

M.C.R. 3740.

Copy

Muskogee, Indian Territory, November 14, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith copy of Departmental letter of November 5, 1906, denying the petition filed with this office by L. D. Horton, attorney at law, Durant, Indian Territory, on April 12, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Respectfully,

D. J. M.

Commissioner.

LBA 14-6.

M.C.R. 3740.

COPY

Muskegee, Indian Territory, November 14, 1906.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

There is inclosed herewith copy of Departmental letter of November 5, 1906, denying the petition filed by you with this office on April 12, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

LBA 14-5.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3740.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1906.

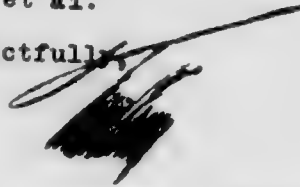
Elvira L. McMickle,

Bennington, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the petition filed with this office by L. D. Horton, attorney at law, Durant, Indian Territory, on April 12, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Respectfully,



Commissioner.

Elija L M Muel

RECEIVED
NOV 1901

CHAIR

United States }
of America }

This is to certify that
J. C. Shanigan came this day before me
an acting and duly qualified notary public
with in and for the State and County of
forenamed duly authorized to administer
Oath. by me first duly sworn
according to Law.

he says my name is J. C. Shanigan
my residence address is Salby Spring
Bowie Co. Texas. my age is 44 years
I have known Elvira L. McWhorter for the
past 11 years. and I know her Father for
32 years Henry Evans. I know Henry Evans
in the State of Mississippi Scott County
Every since the year 1869. up to his death
he died in Mississippi Sumner County
in the year 18 and Family was
of credibility. I have known Elvira L. McWhorter
here in Texas Bowie County Every since the year
1884. She married Ed Potter McWhorter and left
Mississippi and came to Texas before I was old
enough to remember. and I came to Texas with her
Brother in ¹⁸⁸² and got acquainted with her in
1884. and from what Henry Evans and
her and the family in general have told me
she is the actual Person she represent her self
to be in her application to be admitted
as the wife as a Choctaw Indian by blood
and I further state that I have no
entiret what ever in the claim of

The said & Henry & the estate

Signed F. H. H. H. H.

Sworn to and subscribed before me
a Notary Public in and for the
County of Bawie, State of Texas this
28th day of October, A.D. 1901

J. J. H. H.
Notary Public
in and for Bawie Co Texas

1901

George F. H. H.

REFER TO M. C. R. 37-6

Elvira P. M. Mickle
et al

Consolidated Case

Nachel Haley, or
Haley, full
husband
David Evans, white

Henry Evans 72
wife
1st Gidney Evans dead
2nd Mary Evans dead

John Evans

Joab Evans

Jesse Evans

William Evans

David Evans Jr.

Elvira K. Evans 57 1/4
mar
Egbert P. McKickle, w.

Henry P. Evans 37?
wife
Miriam J. Evans "

Anna McKickle 34?
mar
H. D. Lindsey, w.

Ch. McKickle 30?
wife
Laura McKickle "

James P. McKickle 30?
wife
Lizzie S. McKickle, w.

Ella McKickle 27 1/8
mar
James F. Rockelle, w.

Lizzie McKickle 24?
mar
Payre Brooks "
Verna McKickle 19
Egbert McKickle 11
Evel McKickle 11

Mary Maud Evans 16
William Harrison Evans 10
Stennings K. Evans 1
Hugh B. Evans "

Hugh C. Lindsey 15
Oleer W. Lindsey 13
Nas Lindsey 11
Myrtle Lindsey 8
Kellie Lindsey 6
Kurt Lindsey 2
Ernest Lindsey 1

Kelma McKickle 4
Paul McKickle 1

Lydia McKickle 8

Artie J. Rockelle 7
Muriel Rockelle 5
James Rockelle 2



DE ANNO
Commissio

1717



DE ANNO

Department of the Interior.

Commissioner to the Five Civilised Tribes,

MUSKOCOE, IND. TER.



3740

Elvira L. McMickle,

~~Bennington, Indian Territory.~~

For Identification as a Mississippi Choctaw.

Date OCT 11 1901

Name Elvira L. Mc Mickel

Age 57 Blood don't know

Post Office, Texarkana Texas,

Father: Henry Evans d

Mother: ~~Elvira~~ Gilley " d

Claims through father
husband Egbert P. Mc Mickel, w.
No claim for husband.

Children:

| | |
|-------------------|----|
| Stellie Mc Mickel | 19 |
| May " | 17 |
| Egbert " twins | 11 |
| Ethel " | 11 |

Claims for self &
children.

Stenographer Hal B. Belford

Choctaw MCR 3741

Susie Hooks

See MCR 3740

MCR 3741

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 11, 1901.

#3741.

In the matter of the application of Susie Hooks for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Susie Hooks, being first duly sworn, upon her oath
testifies as follows:-

Examination by the Commission.

- Q What is your name? A Susie Hooks.
Q H-o-o-k-s? A Yes sir.
Q What is your age? A Twenty-four.
Q Twenty-four? A Yes sir.
Q What is your Post Office address? A Texarkana.
Q How long have you been there? A Twenty-four years.
Q All your life? A Yes sir.
Q You were born there then? A Yes sir.
Q What is your father's name? A Egbert P. McMickle.
Q Egbert P., is it? A Yes sir.
Q What is that name now? A M-a-M-i-c-k-l-e .
Q He is living, isn't he? A Yes sir.
Q What is your mother's name? A Elvira McMickle.
Q Is she the same Elvira L. McMickle who made application just pre-
vious to you on the above date, for identification as a Mississip-
pi Choctaw? A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know.
Q Do you want to have her testimony taken in connection with yours
so that you may get the benefit of what she has sworn to? A Yes,
sir.
Q And also that of your brother, Henry P. Evans who just appeared
to-day? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians by the Choctaw Tribal

(2).

- Authorities, or by the United States Authorities in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Peyre Hooks.
- Q What? A Peyre Hooks----P-e-y-r-e .
- Q Is he a white man? A He's a white man.
- Q Do you make any claim for him? A No sir.
- Q Have you children? A No sir.
- Q You claim for yourself alone do you? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation----A No sir.
- Q By either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Did you ever make application for enrollment as a citizen of the Choctaw Nation to either the Choctaw Tribal Authorities or the Authorities of the United States before this time? A No sir.
- Q This is the first application you ever made? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir----I heard you read it
- Q You have heard it read and explained several times? A Yes sir.
- Q Do you want another explanation? A No sir, its not necessary.
- Q Do you think you understand it sufficiently? A Yes sir.
- Q How do you know whether any of your Choctaw ancestors complied with any of the provisions or attempted to comply with the provisions of this article fourteen which you have heard read and explained? A No sir.
- Q You never heard that they did, did you----never heard anything about it? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw and whom you claim lived in Mississippi? A Evans.
- Q What is the full name? A Henry Evans.
- Q Well, he was a white man, wasn't he? A No sir, he was my grandfather.
- Q I mean the one going away back? A Oh! his mother----Rachael Evans.
- Q Rachael Evans? A Yes.
- Q What was her husband's name? A David.
- Q David Evans----he was a white man? A Yes sir.
- Q And she had the Indian blood? A Yes sir.
- Q How much Choctaw blood did Rachael Evans have? A I don't know.
- Q You claim through your mother, Elvira? A Yes sir.
- Q She claims through whom----her father or mother? A Father.
- Q What is his name? A Henry Evans.
- Q He was the son of Rachael Evans----what was Rachael Evans maiden name----Rachael what? A Hailey.
- Q H-a-i-l-e-y? A Yes sir.
- Q Through whom did she claim the Choctaw blood----her father or

(3).

- mother? A Both.
- Q Well, do you know what the names were? A No.
- Q Now when did your mother's father die? A I don't know.
- Q Where did he die? A Mississippi.
- Q Died in Mississippi? A Yes sir.
- Q And did he always live in Mississippi? A I can't say.
- Q Rachael Evans, did she always live in Mississippi? A Yes sir.
- Q Was she born there? A Yes sir.
- Q And died there----when did she die? A I don't know.
- Q Your brother has given testimony here----your brother Henry P. Evans, has given testimony----A Uhale.
- Q In regard to where his ancestor lived and died. Do you rely upon the testimony that he has given in your application? A Yes sir.
- Q Did any of your Choctaw ancestors ever own any improvement on land in Mississippi in 1830? A Not that I know of.
- Q Never heard they did? A No sir.
- Q You never heard they had any land in Mississippi? A No sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to live in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi from the Government of the United States or receive any from the Government of the United States under article fourteen of the treaty of 1830? A I don't know.
- Q Do you know whether they received any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the suppliment of that treaty? A No sir, I don't know.
- Q In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the United States Indian Agent Colonel Ward, was instructed by the Government to make a list of all Indians who claimed rights under article fourteen within six months after the ratification of the treaty of 1830. He neglected to put upon his list or his register the names of most of the Choctaw Indians who appeared before him pursuant to the provisions of article fourteen, of that treaty, and as a result of his neglect a great many Indians who had land in Mississippi lost that land, because it was taken from them by the Government and sold together with the improvements they had upon it. This led to a great many complaints on the part of the Indians and in 1837 on account of the numerous complaints that were made, Congress appointed a Commission which Commission went to the State of Mississippi and heard a great many claimants who claimed rights under article fourteen of that treaty and whose claims were approved by the Commission, and these successful claimants had their names placed upon lists made by the Commission. In 1842 another Commission was appointed for the same purpose by Congress. They also made a list of the successful claimants. Did any of your ancestors go before either of these Commissions and claim any benefits under article fourteen? A I don't know.
- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select land elsewhere in the

State of Mississippi, before the Court of Appeals, and that a
 certificate should be given to the Court. These certificates
 are not given to the Court of Appeals, but to the Court of
 Appeals, and the Court of Appeals is the only Court that
 can give a certificate to the Court of Appeals. A Yes sir.
 Now, you would like to introduce the evidence in support of
 the marriage of your father and mother? A Yes sir.
 Would you like a little time? A Yes sir.

Remains the still to submit this applicant in which
 to introduce testimony of other proper proof in support of her
 claim if she desires. She to prove the marriage of her father
 and mother.

Do you speak the English language? A No sir—I wish I could.
 Do you care to say anything more? A No sir.
 Elvira E. Williams is your mother, is she, who appeared before the
 Commission to-day? A Yes sir.

Elvira E. Williams, being called as a witness in this
 case, having been first duly sworn, upon her oath testified as
 follows:—

Q Now, you are Elvira Williams, is it? A Yes sir.
 Q Is your age? A Forty-seven.
 Q Is your Post Office address? A Washington.
 Q Now, application for identification to-day as a Mississippi
 citizen? A Yes sir.
 Q How long have you resided here? A Yes sir.
 Q How long have you resided here? A Yes sir.
 Q How long have you resided here? A Yes sir.
 Q How long have you resided here? A Yes sir.
 Q How long have you resided here? A Yes sir.
 Q How long have you resided here? A Yes sir.
 Q How long have you resided here? A Yes sir.
 Q How long have you resided here? A Yes sir.

Witness examined.

(8).

hair. She has no knowledge of the Cherokee language and no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the Treaty of 1866.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 11, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 7th day of November, 1901.

Charles H. Sawyer
Notary Public.

COPY.

M.C.R. 3741.

McKague, Indian Territory, July 22, 1902.

Basie McKee,

Texarkana, Texas.

Dear Madam:

You are hereby advised that on the 22d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elvira L. McKickle, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|-------------|
| Elvira L. McKickle, et al., | M.C.R. 3740 |
| Ab McKickle, et al., | " 3743 |
| James P. McKickle, et al., | " 3742 |
| Basie McKee, | " 3741 |
| Henry P. Evans, et al., | " 3739 |
| Anna Lindsay, et al., | " 3969 |
| Ella Rachelle, et al., | " 3980 |

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat. 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elvira L. McKickle, Nellie McKickle, May McKickle, Egbert McKickle, Ethel McKickle, Ab McKickle, Thelma McKickle, Paul McKickle, James P. McKickle, Lydia McKickle, Susie Heeks, Henry P. Evans, Mary Maud Evans, William Harrison Evans, Hennings L. Evans, Hugh N. Evans, Anna Lindsey, Hugh E. Lindsey, Olive N. Lindsey, Gus Lindsey, Myrtle Lindsey, Nellie Lindsey, Ruth Lindsey, Ernest Lindsey, Ella Rockelle, Arlie S. Rockelle, Muriel Rockelle and James Rockelle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

M. C. R. 3741

Waskiee, Indian Territory, October 17, 1902.

Essie Hooks,

Tamarkana, Texas.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elvira L. McKie, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

SIGNED

Tamie Dixey.
Acting Chairman.

M.C.R. 3741.

COPY

Muskogee, Indian Territory, November 14, 1906.

Susie Hooks,

Texarkana, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the petition filed with this office by L. D. Horton, attorney at law, Durant, Indian Territory, on April 12, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Respectfully,

SIGNED *James Bixby.*

Commissioner.

No. 3741

For Identification as a Mississippi Choctaw.

Date OCT 11 1901

Name Susie Hooks.

Age 24 — Blood don't know.

Post Office, Texarkana, Texas

Father: Egbert P. McMichael, I

Mother: Elvira L. " I

Claims through mother.
Husband Perry Hooks. w.
No claim for husband

~~CLAIM~~

Claims for self
alone

Stenographer Hal Belford

Choctaw MCR 3742

James P. McMickle

See MCR 3740

MCR 3742

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 11, 1901.

#3742.

In the matter of the application of James P. McMickle
for the identification of himself and his minor child as Mississippi
Choctaws.

Applicant not represented by Attorney.

James P. McMickle, being first duly sworn, upon his
oath testified as follows:-

Examination by the Commission.

- Q What is the name? A James P. McMickle.
Q What is your age, Mr. McMickle? A Thirty years.
Q What is your Post Office address? A Texarkana, Texas.
Q How long have you lived there? A I have lived there about
twenty-five years.
Q Where were you born? A Bowie County.
Q Texas? A Yes sir.
Q And went from there to Texarkana? A Texarkana, Texas. That is
in the same county.
Q What County is it? A Bowie.
Q What is your father's name? A Egbert P.
Q He is living? A Yes sir.
Q What is your mother's name? A Elvira L.
Q She is living? A Yes sir.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim through her? A I don't
know sir.
Q Is she the same person who has made application for identification
to-day, October 11? A Yes sir.
Q She is your mother? A Yes sir.
Q And what other relatives of yours have appeared to-day? A Uncle
Hoke, and Evans---Henry Evans.
Q Henry P. Evans? A Yes sir.
Q Do you want to have their testimony taken in connection with

(2).

- yours when yours is considered? A Yes sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Angie Steele.
- Q What? A Angie Steele.
- Q A-n-g-i-e? A Yes.
- Q Is Steele her maiden name? A No sir.
- Q That's her middle name? A Yes sir, Angie S. McMickle.
- Q What is her nationality---is she white? A White.
- Q Do you claim for her anything? A No sir.
- Q Have you any children? A One.
- Q What is that child's name? A Lydia.
- Q Lydia? A Yes sir.
- Q L-y? A d-i-a.
- Q How old is it? A Eight years.
- Q You claim for yourself and child then? A Yes sir.
- Q When and where were you married to your wife Angie? A In '91, June 23rd.
- Q Where? A At Corley, Texas.
- Q Were you married under a license, by a minister? A Yes sir.
- Q Have you your marriage license and certificate with you? A No sir, I havn't.
- Q Have you the proof of the marriage between your father and mother? A Why, only my mother here can testify to that.
- Q Your mother is here, is she? A Yes sir.
- Q A reasonable time will be allowed you in which to file proof of the marriage of yourself and wife. A Now excuse me right there do you just want----?
- Q Certified copy of the marriage license and certificate will do. A Do you want that mailed to you?
- Q Mailed to the Dawes Commission. Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for enrollment for you and your child to the Choctaw Tribal Authorities in the Indian Territory? A No sir.
- Q Did you or did anyone for you or for your child make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, that is five years ago? A No sir.
- Q Were you and your child ever admitted to citizenship in the Choctaw Nation, by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Did you ever make application before this time for yourself and child to be enrolled as members of the Choctaw Tribe of Indians to either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Do you now come before the Commission to be identified and to seek the identification of your child as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you think you understand that article of that treaty? A Yes sir, I have heard it read this morning two or three times.
- Q You have heard it read and explained several times have you? A This morning, yes sir.
- Q Now do you think you understand it well enough without it being read and explained further, so that you can claim under it intelligently? A Well, of course I don't understand it very plainly.

(3).

I heard it read twice this morning.

Q What is there about it you don't understand? A Well, I didn't know anything about it until this morning. Just the----I can't hardly tell what part I don't understand.

Q You understand what a treaty is? A Yes sir.

Q And you understand what an article of a treaty is. Do you understand why that treaty of 1830 was made? A Was that the first one?

Q It isn't the first one, but it's the treaty of 1830 under which you claim. Do you know why it was made? A I believe so.

Q Well now, why was it made? A Why, that was the treaty that was made when the lands was taken from the Indians there.

Q In Mississippi? A In Mississippi.

Q And Alabama? A And Alabama.

Q Well, it was made for the especial purpose of removing all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that Nation to the Choctaw Nation Indian Territory, and the reason why the Government wanted to remove them was that they had no rights in the States of Mississippi and Alabama and the Government claimed that it could not protect them against the encroachment of the State----that the State had more right to this land than the Indians had, and the Government had no right to interfere in behalf of the Indian. The principle of State Rights came in there against the Indian, and so the Government wanted them all to come to the Choctaw Nation Indian Territory and told them that they might have this land in fee simple and title of the Indian Nation. They could establish a tribal government then, and the Government----the United States Government could then protect them against white people, which it could not do in Mississippi and Alabama, so the treaty of 1830 was made. But while a large number of Indians came at that time and afterwards, between 1833 and 1838 to the Choctaw Nation Indian Territory, a great many remained in the States of Mississippi and Alabama----wouldn't come. And to protect their rights and interests article fourteen was put into the treaty before it was signed. Now article fourteen which was put into the treaty for the especial purpose of protecting the rights of the Mississippi Choctaw Indians reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

(4).

- Q Do you understand that? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek or the treaty of 1830 as read to you and explained? A Nothing that I know of, No sir. I have never heard of it.
- Q What is the name of the ancestor through whom you claim your Choctaw blood? A The farthest back?
- Q The oldest one----the one farthest back that you can give? A It was Rachael Evans.
- Q Rachael Evans----what relation was she to you? A Great-grandmother.
- Q You claim through your mother? A Yes sir.
- Q What was her maiden name? A Rachael Evans?
- Q No, your mother? A My great-grandmother?
- Q Your mother's maiden name. You claim through Elvira L. McMickle. What was her maiden name? A Elvira L. Evans.
- Q Evans? A Yes.
- Q And she claimed through which parent----father or mother? A Her mother.
- Q What was his name? A Henry P. Evans.
- Q And he claimed his Choctaw blood through whom? A Through his mother.
- Q Rachael Evans? A Rachael Evans.
- Q You can't tell how much Choctaw blood Rachael Evans had? A No sir, I don't know.
- Q What was her husband's name, do you know? A His was David Evans.
- Q Was he a white man or an Indian? A White.
- Q Did you never hear how much Choctaw blood Rachael Evans had? A No sir.
- Q Did she have a Choctaw name----that is a Choctaw Indian name if you ever heard? A Why, I don't know. Her name was Hailey.
- Q Yes----that wouldn't be Choctaw. Her maiden name was Hailey? A Yes sir.
- Q H-a-i-l-e-y? A Yes sir.
- Q Do you know anything about her father or mother? A No sir, I do not.
- Q Did she speak the Choctaw language----Rachael Evans? A Not that I know of.
- Q Did she live in Mississippi in 1830 or any time before that? A Yes sir.
- Q Did she live and die----was she born and lived and died in Mississippi? A Yes sir.
- Q Never out of the State----that is to live? A To live? Not that I know of.
- Q Did she marry in that state? A Yes sir.
- Q Had a family there? A Yes sir.
- Q Do you know if she had a family of children living in 1830? A 1830----yes sir.
- Q Did she own any improvement on land in Mississippi in 1830? A Not that I know of.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A Not that I knew of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.

(51).

- Q Did any of your Choctaw ancestors ever claim or receive any land from the Government of the United States as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did they ever receive any land or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A If they did I don't know it.
- Q In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an Agent in Mississippi to register the names of those Indians----Choctaw Indians, who might desire to remain in Mississippi and become citizens of the State and who also wanted to take land in Mississippi. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take land under article fourteen of that treaty. On this account many of the Indians who had land in Mississippi had the land taken from them and it was sold by the Government at its public land sales. This caused many complaints on the part of the Choctaws so that in 1837 Congress, by an Act approved March 3, 1837, appointed a Commission to go to Mississippi and make a list of the names of all Choctaw Indians who claimed rights under article fourteen of that treaty and whose claims were approved. They made such a list of successful claimants. In 1842 another commission was appointed by Congress for a similar purpose and they made a list of all successful claimants under article fourteen of that treaty. Did any of your Choctaw ancestors appear before either the Commission of 1837 or the Commission of 1842 and claim any benefits under article fourteen of that treaty? A Not that I know of.
- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, or in Arkansas, Louisiana or Alabama, and that he should receive a certificate to that effect. These certificates were called scrip. Did any of your ancestors if Choctaw Indians receive any such scrip from the Government----as Choctaw Indians? A No sir, not that I know of.
- Q Have you any documentary evidence that you want to introduce now in support of your claim? A No sir, nothing more now.
- Q You haven't anything to introduce now, have you? A No sir, nothing more than the evidence that we have already.
- Q Those are to be filed in these other cases. You want evidence to file in your case. Reasonable time will be allowed this applicant in which to file documentary evidence in support of his application. You don't speak Choctaw? A No sir.
- Q Or understand it? A No sir.
- Q Is there anything more you want to say in support of this claim? A No sir.
- Q Do you want to introduce any witnesses here to swear to any point in your testimony? A My mather.

(6).

Elvira L. McMickle, being called as a witness in this case, having been first duly sworn, upon her oath testifies as follows:-

- Q Your name is Elvira L. McMickle, is it? A Yes sir.
Q What is your age----fifty-seven? A Yes sir.
Q What is your Post Office address? A Texarkana, Texas? A Yes sir.
Q You have made application for identification to-day, have you? A yes sir.
Q As a Mississippi Choctaw? A Yes sir.
Q Is this your son? A Yes sir.
Q James P. McMickle? A Yes sir.
Q When and where were you married to your husband, Egbert P. McMickle? A In Mississippi.
Q What place in Mississippi? A Scott County.
Q How? A Scott County.
Q Scott County, Mississippi, in----? A '64.
Q 1864? A Yes sir.
Q What month and day of the month? A Nineteenth of September.
Q Of what? A December.
Q Nineteenth of December? A Yes sir.
Q By a minister under a license? A Yes sir.

Witness excused.

This applicant has the appearance and general characteristics of being descended from White parentage. Fair complexion, blue gray eyes, dark brown hair. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, on October 11, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 9th day of November, 1901.

Charles H. Meyer
Notary Public

COPY.

M.C.R. 3742.

Kuskogee, Indian Territory, July 22, 1902.

James P. McKickle,
Texarkana, Texas.

Dear Sir:

You are hereby advised that on the 22d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elvira L. McKickle, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|-------------|
| Elvira L. McKickle, et al., | M.C.R. 3740 |
| Ab McKickle, et al., | " 3743 |
| James P. McKickle, et al., | " 3742 |
| Susie Hooks, | " 3741 |
| Henry P. Evans, et al., | " 3739 |
| Anna Lindsey, et al., | " 3969 |
| Ella Rochelle, et al., | " 3829 |

These applications were made under the provision of the act of Congress of June 25, 1896 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elvira L. McNickle, Nellie McNickle, May McNickle, Robert McNickle, Ethel McNickle, Ab McNickle, Thelma McNickle, Paul McNickle, James P. McNickle, Lydia McNickle, Essie Rocks, Henry P. Evans, Mary Maud Evans, William Harrison Evans, Hennings L. Evans, Hugh B. Evans, Anna Lindsey, Hugh B. Lindsey, Olive M. Lindsey, Ras Lindsey, Murtle Lindsey, Nellie Lindsey, Ruth Lindsey, Earnest Lindsey, Ella Rochelle, Arlie S. Rochelle, Muriel Rochelle and James Rochelle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY

M. C. R. 3742

Muskogee, Indian Territory, October 17, 1902.

James P. McMickle,

Texarkana, Texas.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elvira L. McMickle, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

(SIGN)

Acting Chairman,

M.C.R. 3742.

COPY

Muskogee, Indian Territory, November 14, 1906.

James P. McMickle,

Texarkana, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the petition filed with this office by L. D. Horton, attorney at law, Durant, Indian Territory, on April 12, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Respectfully,

SIGNED *Wm. H. Hall*

Commissioner.

For Identification as a Mississippi Choctaw.

Date OCT 11 1901

Name *James P. Mc Mickle*

Age 30 Blood thin & weak

Post Office, Texarkana, Texas.

Father, Egbert P. M^r. Tucker.

Mother. Elvira L. " S

Claims through mother.
wife - Angie S. McMeikle, W.
No claim for wife

Children:

Lydia " - 8.

Claims for self
and daughter.

Stenographer Hal Bedford

Choctaw MCR 3743

Ab .Mc Mickle

See MCR 3740

MCR 3743

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 11, 1901.

#3743.

In the matter of the application of Ab McMickle for the identification of himself and his two minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Ab McMickle, being first duly sworn, upon his oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Ab McMickle.
Q Ab is it? A Yes sir.
Q What is your age, Mr. McMickle? A Thirty-three.
Q What is your Post Office address? A Texarkana, Texas.
Q How long have you lived there? A About twenty-five years.
Q Where were you born? A Jasper County, Mississippi.
Q What year were you born in? A 1869.
Q And then you went from there to what place? A Bowie County.
Q Bowie County Texas----is Texarkana in Bowie County? A Yes sir.
Q And then you have lived there ever since? A Yes sir.
Q What is your father's name? A Egbert P. McMickle.
Q What is your mother's name? A Elvira L.
Q She made application to-day for identification as a Mississippi Choctaw? A Yes sir.
Q You claim through which parent----your Choctaw blood----mother? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Laura Thomas.

(2).

- Q Laura? A Yes sir.
Q Is that the middle name you gave, or just her maiden name? A Laura McMickle.
Q That's her name now? A Yes sir.
Q I suppose she's a white----she's not an Indian is she? A No sir.
Q Do you make application for her? A No sir.
Q Do you want to claim for any children under age and unmarried? A Two.
Q What is the name of the oldest? A Thelma.
Q How do you spell it? A Thelma, T-h-e-l-m-a .
Q How old is she? A Four.
Q Next child? A Paul.
Q He's how old? A Seventeen months.
Q Is that all? A Yes sir.
Q You claim for yourself and these two children do you? A Yes sir.
Q T-h-e-l-m-a ? A Yes sir.
Q When and where were you married to your wife Laura? A Texarkana Texas.
Q Texarkana, Texas,----when? A December 8, 1896.
Q By a minister under a license? A Yes sir.
Q Have you your marriage license with you? A No sir.

A reasonable time will be allowed this applicant in which to file proof of his marriage with his wife, Laura. Also evidence of the marriage of his father and mother. Or you can have her--- introduce her to testify if you want to. A Well, all right.

- Q Is your name or the names of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A How's that?
Q Is your name or the names of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation for yourself and children? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation for yourself to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir.
Q Were you or your children ever admitted to citizenship in the Choctaw Nation, by either the Choctaw Tribal Authorities, the Commission to the Five civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Did you ever before this time seek to be identified as a citizen of the Choctaw Nation? A No sir.
Q To any authority whatever? A No sir.
Q Do you now come before the Commission for the purpose of the identification of yourself and your children as Mississippi Choctaws, under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Yes sir. I understand I think, pretty well.
Q You have heard it explained and read a number of times? A Yes sir----well, I couldn't explain it but I understand it.
Q Do you think now you understand it without a further reading and explanation? A Yes sir.
Q You waive that, do you? A Yes sir.
Q Now as you understand it after having heard it explained and read do you know whether any of your Choctaw ancestors have ever com-

(3).

- plied with any of its provisions? A No sir.
- Q What is the name of your ancestor whom you claim had Choctaw blood, through whom you claim your right now to be identified? A Well, Elvira----that's my mother here.
- Q You claim through your mother first? A Yes sir.
- Q And she claims through whom? A Her father.
- Q What was his name? A Henry Evans.
- Q Henry Evans? A Yes sir.
- Q Now he claimed through which parent, his father or mother? A His mother, I think.
- Q How? A His mother, I think.
- Q Yes, and what was his mother's name? A Rachael.
- Q Rachael----? A Rachael----Rachael Evans.
- Q What was her husband's name? A I can't think of it----Dave.
- Q David Evans? A Yes sir.
- Q Was he a white man or an Indian? A White man.
- Q Then Rachael Evans is the one that had the Choctaw Blood? A Yes sir.
- Q Do you know how much? A No sir, I do not.
- Q Did she have an Indian name, do you know? A I do not.
- Q Did she speak the Choctaw language? A I don't know.
- Q Can you give her maiden name? A Rachael, I think.
- Q Rachael, yes----but what was her other name, do you know? A No.
- Q Do you know anything about her father and mother? A No sir.
- Q This Rachael, is that your grandmother or great-grandmother? A Great.
- Q That's your great-grandmother is it? A Yes sir.
- Q You can't go back any further than to her? A No sir.
- Q How do you know she was a Choctaw Indians----that is having any quantity at all of Choctaw blood? A Well, from what I can learn through my people.
- Q What you have been taught in the family? A Yes sir.
- Q Have no family records of any kind or proof other than what you have been taught in the family? A No sir.
- Q Do you know when she died or where she died? A No sir.
- Q Did she live in Mississippi? A Yes sir.
- Q Was she born and raised there? A I only knew----
- Q Well, you have heard so have you? A Yes sir.
- Q Did you hear that she died in Mississippi? A Yes sir.
- Q Then she had a family in Mississippi? A Yes sir.
- Q Did she have a family there in 1830? A Yes sir, that's what I always----.
- Q Always understood as a matter of family history and tradition? A Yes sir.
- Q Did she own any improvement on land in Mississippi in 1830? A I do not know.
- Q Did she ever go from Mississippi or Alabama to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did she within six months----or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that she or they intended to live in Mississippi and take land there? A I don't know.
- Q Did she or any of your Choctaw ancestors ever claim or own any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.
- Q Did she or any of your Choctaw ancestors ever claim or receive any land in any other way or under any other article of the treaty

(4).

of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, Colonel Ward, who was the United States Indian Agent in Mississippi at that time, was instructed to make a list of the names of all Choctaw Indians who claimed rights or benefits under article fourteen of the treaty of 1830 and who declared their intention to the United States Indian Agent within six months after the ratification of the treaty of 1830---- their intention to stay in Mississippi and take land there. The Indian Agent failed to record the names of all of the Indians who came before him, and his list, called Ward's Register, has now the names of very few----a very small number of the total number of Choctaw Indians who made these declarations within the time limited in article fourteen of the treaty of 1830. As a result of his neglect a great many Choctaw Indians who held land in Mississippi had that land taken from them by the Government and it was sold at the public land sales of the Government together with the improvements they had upon it. This caused a great many complaints among the Choctaw Indians, so that in 1837, as a result of the complaints made, Congress appointed a Commission under Act of Congress approved March 3 of that year, and this Commission went to Mississippi and heard successful claimants under article fourteen----heard all claimants under article fourteen of that treaty, and recorded the names of successful claimants. In 1842 another commission was appointed for the same purpose and they also made lists of the names of successful claimants under article fourteen. Did any of your ancestors appear before either of those Commissions and claim rights under article fourteen----do you know? A No sir, I don't know.
- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, and if it also further appeared that his land had been taken from him by the Government that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, and that he should receive a certificate to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No sir, I do not.
- Q Have you any documents that you want to introduce now? A No sir.
- Q Any papers of any kind to file in support of your claim? A No sir.

This applicant will be given reasonable time in which to furnish documentary evidence in support of his application which he makes for himself and children. Also proof of the marriage between himself and his wife, Laura.

- Q You don't speak Choctaw, or understand it? A No sir.
- Q Is there anything more you want to say in support of your claim? A My mother----want my mother to testify.

(5).

Elvira L. McMickle, being called as a witness and having been first duly sworn, upon her oath testifies as follows:-

- Q Your name is Elvira L. McMickle? A Yes sir.
Q Age fifty-seven? A Yes sir.
Q You live at Texarkana Texas, do you? A Yes sir.
Q You are the mother of this applicant, Ab McMickle? A Yes sir.
Q What is your husband's name? A Egbert.
Q Egbert P. McMickle? A Yes sir.
Q When and where were you married to him? A '64, nineteenth of December.
Q Nineteenth of December? A Yes sir.
Q What year? A '64.
Q Where were you married to him? A Scott County, Mississippi.
Q And were you married by a minister under a license? A Yes sir.
Q You are living together now, I suppose, as husband and wife?
A Yes sir.

This applicant has the features and general appearance of being descended from white parentage. Dark complexion, Hazel eyes and black hair. He doesn't understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 9th day of November, 1901.

Charles H. Sawyer

Notary Public.

COPY

H.C.R. 3743.

Muskogee, Indian Territory, July 22, 1902.

Ab McKickle,

Temarkana, Texas.

Dear Sir:

You are hereby advised that on the 22d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elvira L. McKickle, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|-------------|
| Elvira L. McKickle, et al., | H.C.R. 3740 |
| Ab McKickle, et al., | " 3743 |
| James P. McKickle, et al., | " 3748 |
| Susie Hooks, | " 3741 |
| Henry P. Evans, et al., | " 3739 |
| Anna Lindsey, et al., | " 3669 |
| Ella Rochelle, et al., | " 3689 |

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elvira L. McMickle, Nellie McMickle, May McMickle, Robert McMickle, Ethel McMickle, Ab McMickle, Thelma McMickle, Paul McMickle, James P. McMickle, Lydia McMickle, Susie Hooks, Henry P. Evans, Mary Mand Evans, William Harrison Evans, Hennings L. Evans, Hugh B. Evans, Anna Lindsey, Hugh E. Lindsey, Olive K. Lindsey, Ras Lindsey, Myrtle Lindsey, Nellie Lindsey, Ruth Lindsey, Earnest Lindsey, Ella Rochelle, Arlie B. Rochelle, Kuriel Rochelle and James Rochelle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY.

M. C. R. 3743

Muskogee, Indian Territory, October 17, 1902.

Ab. McMickle,

Texarkana, Texas.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elvira L. McMickle, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

SIGNED

Tame Dixby.
Acting Chairman.

M.C.R. 3743.

COPY

Muskogee, Indian Territory, November 14, 1906.

Ab. McMickle,

Texarkana, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the petition filed with this office by L. D. Horton, attorney at law, Durant, Indian Territory, on April 12, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Respectfully

James H. ...
Commissioner.

For Identification as a Mississippi Choctaw.

Date OCT 11 1901

Name Ab. Mc. Mickler

Age 33 Blood Don't know

Post Office, Texarkana, Texas

Father: Egbert P. Mc. Mickler, I.

Mother: Elvira L. " I.

Claims through mother
wife. Laura Mc. Mickler, W.
No claim for wife.

Children:

Thelma (girl) " 4

Paul " 17 m

Claims for self &
children

Stenographer H. A. Belford

Choctaw MCR 3744

Robert M. Price

MCR 3744

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert N. (or M.)
Price, et al., for identification as Mississippi Choctaws,
M.C.R. 3944.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Robert N.

(or M.) Price, et al.

(Page)

| | |
|--|----|
| Original application of Robert N. (or M.) Price, et al.
before the Dawes Commission for identification as
Mississippi Choctaws | 1 |
| Affidavit of Hensen Jones | 7 |
| Affidavit of Fulson Harris (or Harshbarger) | 8 |
| Marriage Record of R.M. Price and Fannie Summies | 9 |
| Decision of the Commission denying the application of
Robert N. (or M.) Price, et al. for identification
as Mississippi Choctaws | 10 |

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 11, 1901.

#3744.

In the matter of the application of Robert N. Price
for the identification of himself and his four minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

Robert N. Price, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q What is the full name? A Robert N. Price.
Q What is your age? A Forty years.
Q What is your Post Office address? A Lannius----L-a-n-n-i-u-s .
Q Texas? A Yes sir.
Q How long have you lived at Lannius? A About three years.
Q Where were you born? A I was borned in North Carolina.
Q What place? A In Rutherford County.
Q When did you leave that state? A My parents took me from there
when I was about a year old, to South Carolina.
Q Then where did you go? A I was returned again to North Carolina
and from there to Texas.
Q You went from South Carolina back to North Carolina? A Yes sir.
Q How long did you live in South Carolina? A About eighteen years.
Q Then you went to North Carolina? A Yes sir.
Q And how long did you live there before you went to Texas? A Four
years.
Q Then you went where to Texas? A I came to Paris, Texas.
Q How long did you live in Paris? A About five months----or six.
Q Then you went where? A I came to Lannius.
Q And lived there since? A Yes, I have lived at Lannius twice.
Q But you have lived in Texas ever since you left North Caroli-
na? A Yes sir.
Q What is your father's name? A Joe Price.

(2).

- Q J-o-e ? A Yes sir.
- Q Is he living? A No sir.
- Q Is your mother living? A No sir.
- Q What was her name? A Mary.
- Q Through which parent do you claim Choctaw blood? A Through my mother.
- Q How much Choctaw blood do you claim? A I claim an eighth, according to the statement of my grandfather on my mother's side.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities? A Not that I knew of.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Fannie.
- Q Is she a white woman or an Indian? A She's a white woman.
- Q Do you make any claim for her? A No, I can't do that now. Her mother claims Indian, but she hasn't made up her mind to make an effort to prove a claim.
- Q You don't claim for the wife then? A No sir, not in this.
- Q Give me the name of your children under twenty-one years of age and unmarried? A You want the full name?
- Q The given name and just the middle initial? A Beula V. Price.
- Q B-e-u-l-a ? A Yes sir.
- Q How old is she? A She's ten.
- Q Next? A Clonie F.
- Q How do you spell that? A C-l-o-n-i-e .
- Q F? A F.
- Q How old? A Eight years.
- Q Next? A Mary H., she's four.
- Q Next? A Lenna L.
- Q How do you spell Lenna? A L-e-n-n-a .
- Q Girl? A Yes sir.
- Q Clonie I suppose is a girl? A Yes sir, All girls.
- Q Lenna what? A Lenna L.
- Q How old? A She's about ten months old.
- Q You claim for yourself and these children do you? A Yes sir.
- Q Is your name or the names of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A None that I know of.
- Q Did you ever make application for yourself or these children for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes---for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Were you or your children ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application you ever made for yourself and children for admission into the Choctaw Nation as citizens either to the Choctaw Tribal Authorities or to the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

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Q Do you understand that article of that treaty? A Partially so. I don't think I fully do.

Q Well, the treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek was made between the United States Government and the Choctaw Tribe of Indians on the twenty-seventh day of September of that year in Mississippi----at a place called Dancing Rabbit Creek in Mississippi, and was made for the purpose of removing all of the Choctaw Indians who lived in the old Choctaw Nation which was partly in Mississippi and partly in Alabama, to the new Choctaw Nation Indian Territory. Before the treaty was signed by the representatives of the two governments it became positively known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory. Some provisions had to be made for them and to protect their interests under the treaty, article fourteen was drafted and put into the treaty. Article fourteen was put into that treaty for the especial benefit of those Choctaw Indians who stayed back there in Mississippi and Alabama. It reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you claim under that article for yourself and children? A Yes sir.

Q You understand that do you? A I think so, now.

Q Now as it has been explained to you and read, do you think that any of your Choctaw ancestors complied with or attempted to comply with any of the provisions of that article of that treaty? A Not that I have any knowledge of.

Q What is the name of your Choctaw ancestor who lived in Mississippi in 1830? A Cort Parker.

Q What is that? A Cort----C-o-r-t .

Q Cort----? A Parker.

Q Parker? A Yes sir.

Q You claim through your mother? A Yes sir.

Q How much Choctaw blood did she have? A She was a quarter according to the statement of my grandfather.

Q She claimed through which parent----father or mother? A Her father.

Q What was his name? A Parker.

Q Cort Parker? A Yes sir.

Q Is that the one? A Yes sir.

Q You claim through your grandfather, then? A Yes sir.

(4).

- Q According to this you claim one half Choctaw blood for him? A Yes sir.
- Q Did he live in Mississippi in 1830? A I don't think he was living in Mississippi in 1830.
- Q Did he live in Mississippi at all? A Well, I couldn't say positive as to that.
- Q Did any of your ancestors live in Mississippi to your knowledge? A According to his statement his father did.
- Q What was his father's name? A Joe, as well as I remember.
- Q Joe Parker? A Yes sir.
- Q How much Choctaw blood did he have? A He was a full blood.
- Q Why don't you claim through him then, if he was living in Mississippi to your knowledge, and was a full blood Indian why don't you claim through him? A The knowledge that I have come from my grandfather, not from my great-grandfather.
- Q You don't know that he lived in Mississippi? A No sir.
- Q But you do know that his father lived in Mississippi according to his statement? A Yes sir.
- Q Then Joe Parker is the ancestor who lived in Mississippi according to his statement---when did he live in Mississippi? A I couldn't tell as to time.
- Q Did he live there in 1830, do you know? A No sir, I do not.
- Q Do you know of any ancestor of yours who lived in Mississippi in 1830, who was the head of a family there at that time? A Not for certain.
- Q When did your grandfather, Cort Parker, die---if you know? A He has been dead about twenty years.
- Q Where did he die? A He died in Kings Mountain, North Carolina.
- Q How old was he when he died? A He was in seventy.
- Q He was seventy years old or more---then he would be at least ninety now? A Something like that, yes sir.
- Q That would make him born between 1800 and 1810, would it now? A Somewhere near that, yes sir.
- Q That is, if he would be a little over ninety years old now---where was he born? A I couldn't tell that.
- Q Was he born in Mississippi? A I don't know that.
- Q When and where did your great-grandfather, Joe Parker, die? A I don't know that.
- Q You don't know how old he was when he died? A No sir, all that I know about him is what my grandfather spoke about him.
- Q Now can you tell me the names of any of your ancestors who owned any improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Held land and had improvements on it at that time? A No sir, I don't know of any.
- Q Did any of your Choctaw ancestors, if you know, within six months after the ratification of the treaty of 1830---I read you article fourteen of that treaty---go to the United States Indian Agent as article fourteen required, and tell him that they intended to stay in Mississippi and take land there, and become citizens of the United States? A None that I know of.
- Q Did any of your Choctaw ancestors to your knowledge go from Mississippi or Alabama to the New Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A Not that I have any recollection of my grandfather speaking of that.
- Q Did any of your Choctaw ancestors receive or claim any land in Mississippi from the Government as Choctaw Indians under article fourteen of the treaty of 1830? A None that I am aware of.

(5).

- Q Did any of your Choctaw ancestors claim any land, or receive any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplant of that treaty?
A Not that I know of.
- Q According to the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or the treaty of 1830, the United States Indian Agent was required by the Government to make a list of the names of all of the Choctaw Indians who went before him within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there and become citizens of the States. This Indian Agent, Colonel Ward, neglected to do this, so that a great many Choctaw Indians who went before him as provided in article fourteen of that treaty failed to have their names placed upon what is known as Ward's Register, and the result was that a great many Choctaw Indians who held land in Mississippi upon which they had improvements had that land taken from them by the Government and sold. This caused so many complaints on the part of the Indians who had been in that manner deprived of their land, that Congress in 1837 appointed a Commission by an Act approved March 3 of that year, and this Commission went to the State of Mississippi and heard all of the Choctaw Claimants who claimed rights under article fourteen and made a list of the names of those claimants whose claims were approved by them. In 1842 another Commission was appointed by Congress for the same purpose and they made a list of all of the successful claimants who came before them and proved their claims. Did any of your Choctaw ancestors to your knowledge, appear before either the Commission of 1837 or the Commission of 1842 and claim any rights or benefits under article fourteen of that treaty of 1830. A None that I know of.
- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw claimant who came before it proved his claim, and if it also appeared that he had had his land taken away from him by the Government previously to his appearance before this Commission that he should be entitled to select land either in Mississippi Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate should be given to him to that effect. These certificates issued by this Commission were called scrip. Did any of your Choctaw ancestors to your knowledge ever receive any such scrip from the Government as Choctaw Indians?
A Not that I have any knowledge of.
- Q You never heard that? A No sir.
- Q Have you any proof that you would like to present to the Commission now of the marriage between your father and mother---marriage license and certificate or copies of them? A No sir, I have none with me.
- Q Or any affidavits? A No sir.
- Q You have no proof of your marriage with your wife? A None here, no sir.
- Q Reasonable time will be allowed to you to furnish proof of the marriage between your father and mother. Also your marriage with your wife and also for the introduction of any documentary or other evidence proper to be presented in this case to sustain this application that you make for yourself and for your children for identification as Mississippi Choctaws. Do you speak the Choctaw language or do you understand it? A No sir, I don't understand it---can't speak it.
- Q Is there anything more you would like to say now in support of

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your claim that you can think of---anything you want to add?
A Nothing that I knew of that would be material. I would like to ask for thirty days if you can grant it.

Q I have given you that and more time if necessary. You have no attorney have you? A No sir.

Q Have any of your relatives appeared before the Commission before for identification as Mississippi Choctaws? A None that I know of.

This applicant has the appearance and physical characteristics of being descended from White parentage. Brown eyes, complexion red, rather sandy hair and mustache. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, on October 11, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 7 day of November, 1901.

Charles V. Saurer

Notary Public.

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C. v. W

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert N. (or M.)
Price, et al., for identification as Mississippi Choctaws.

N.O.R. 3744.

-----D E C I S I O N-----

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Robert N. (or M.) Price for himself and his four minor children,
Beula V., Clonie P., Mary H. and Lenna L. Price, under the
following provision of the act of Congress approved June 28, 1898
(30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto, and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Joe Parker, who is alleged to have been a full blood Choctaw Indian, and Cort Parker who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joe Parker, or Cort Parker, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert H. (or H.) Price, Paula V. Price, Claude F. Price, Mary H. Price, and Lemus L. Price as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteenth of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James D. Kirby
Acting Chairman.

(SIGNED)

T. B. Needles
Commissioner.

(SIGNED)

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

OCT 18 1902

Muskogee, Indian Territory, November 13, 1901.

Robert M. Price,
Laninus, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 4th instant, with which were enclosed the affidavits of Benson Jones and Fulson Harris, and the marriage license of R. M. Price and Fannie Dennis, offered by you for filing in support of your application for identification as a Mississippi Choctaw.

You are informed that the same have this day been filed with the other records in your case, and will be considered by the Commission in the disposition of your claim for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

H.O. 2744.

Muskogee, Indian Territory, October 18, 1902

Robert N. (or M.) Price,
Lanmus, Texas.

Dear Sir:

You are hereby advised that on the 18th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the case of Robert N. (or M.) Price, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert N. (or M.) Price, Soule V. Price, Clencie P. Price, Mary M. Price, and Emma L. Price as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen

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days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

Muskogee, Indian Territory October 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Robert N (or M.) Price, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert N. (or M.) Price, Reula V. Price, Clencie F. Price, Mary K. Price and Lenna L. Price as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such

MEMORANDUM

should be refused and if so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior, ~~and~~ the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Robert N. (or M.) Price, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 18, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James D. Kirby
Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 3744.

(COPY)

Land.
67,773-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington. Jan. 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Robert N. (or M.) Price for the identification of himself and his four minor children, Beula V., Clonie F., Mary H. and Lenna L. Price, wherein a decision adverse to the applicants was rendered by the commission on October 18, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Joe Parker and Cort Parker. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been

An examination has been made of the records of this office with reference to the names of Joe Parker and Cort Parker, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

(H.B.H.)

P.

D.C.No.4603-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.
Washington.

NAF.

ITD.1098-1903.

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February 14, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application for identification of Robert N. (or M.) Price and his minor children, Beula V., Clonie F., Mary H. and Lenna L. Price, as Mississippi Choctaws, including your decision of October 18, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands by reason of being descendants of one Joe Parker, alleged to have been a full blood Choctaw Indian, and Cort Parker, who is alleged to have been a half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with Article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 505), and August 23, 1842 (5 Stat., 513).

Reporting January 26, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

1 inclosure.

Thos. Ryan,
Acting Secretary.

M.C.R. 3744.

COPY

Muskogee, Indian Territory, February 26, 1903

Robert M. Price,

Lawson, Texas.

Dear Sir:

You are hereby notified that on the 14th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Robert N. (or N.) Price, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

Tamm Olin
Chairman.

M.C.R. 3744.

COPI.

Muskogee, Indian Territory, February 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 14th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Robert W. (or M.) Price, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

Samuel H. Smith
Chairman.

No. 3744

For Identification as a Mississippi Choctaw.

Date OCT 11 1901

Name Robert M. Price.

Age 40 — Blood 1/8

Post Office, Lammie, Texas

Father; Joe Price. d

Mother: Mary " d

Claims through mother,
wife Fannie Price, w
No claim for wife.

Children:

Beula V. Price 10

Clonie F. Price 8

Mary H. " 4

Lenna H. " 10 m.

Claim for self
and children

Stenographer H. B. Belford

Choctaw MCR 3745

Margaret Missouri
Campbell

MCR 3745

See MCR 203

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi October 9, 1901.

In the matter of the application of Margaret Missouri Campbell for identification as a Mississippi Choctaw.

Margaret Missouri Campbell, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Margaret Missouri Campbell.
- Q How much Choctaw blood do you claim to have? A Well, I never knew nothing about it - to know how you reduce it down, but I suppose that my grand mother was half, is what they claim.
- Q And the Indian blood comes through only one side of the family?
- A Yes sir.
- Q Your grand mother was a half; that would make your mother a quarter? A My father.
- Q You get it through your father? A Yes sir.
- Q Your mother has no Choctaw blood; that would make you an eighth then wouldn't it? A Yes sir.
- Q How old are you? A I am - will soon be fifty two years old.
- Q What is your post office address? A Harrisburg, Bibb County, Alabama.
- Q How long have you lived at Harrisburg? A This last year.
- Q Where did you live before that? A Lived in Perry County - Marion, Alabama.
- Q How long did you live there? A For four years, going on four years.
- Q Where did you live before that? A We moved from Chilton County over there.
- Q Were you born and raised in Chilton County, Alabama? A Yes sir.
- Q You never have lived, then, outside of the State of Alabama?
- A No sir. When I was a child and raised up, it was Perry County, and then it was changed into Chilton County, it was all the same place; I reckon it makes no difference.
- Q Have you ever been in Indian Territory? A No sir.
- Q Is your father living? A No sir.
- Q What was his name? A James Martin
- Q Did he have any Choctaw blood? A Yes sir. There is where I inherit it.
- Q How much Choctaw blood did he have? A He must have been a quarter
- Q When did he die? A I don't know, as near as I remember the day, its been something like twenty years ago.
- Q How old was he when he died? A Well, he was born in 1818, or 19, I disremember which; I have got the family record, and haven't saw it since I have been out of the family.
- Q When was he born? A Well, I think - I aint right certain - I am one of the youngest children, and never knew much of it, but I think I have heard my father say he was the only child of his father's when they moved to this country, one of the first settlers of Alabama.
- Q Where did they move from? A I can't be positive, I think though, it was either from South Carolina or North Carolina, it seems to me like.
- Q But you would not be certain about it? A No sir, because I was

Margaret Missouri Campbell, 2.

so small, and the grand parents died.

Q Did your father live here during his entire life after his transfer here? A Yes sir, settled on a piece of land after he married, and never moved until his death.

Q Where was that land? A In Chilton County, Alabama - Plantersville.

Q He never lived in Indian Territory? A No sir.

Q Is your mother living? A No sir.

Q What was her name? A Her maiden name?

Q Yes? A Eliza Pierson.

Q When did she die? A I think about fourteen years ago.

Q Was she older than your father, or younger? A Four years younger.

Q She had no Choctaw blood? A Not that I knew of. Never heard of any.

Q Do you know whether your father and mother were lawfully married? A Yes sir, I have never heard anything to dispute it.

Q You don't know that they were married under a license? A Of course, I don't know it, and wasn't here, but I suppose their marriage was recorded.

Q How long did they live together? A Well, they lived together until death separated them.

Q Raised a family? A Yes sir, of thirteen children.

Q Now, through which one of his parents did your father get his Choctaw blood? A His mother.

Q What was her name? A Her name was Martha Martin; her first name was Martha Moore.

Q That was her maiden name, you mean? A Yes sir.

Q Did you ever see her? A My grand mother?

Q Yes? A Well, I suppose I have, but I was very small.

Q You don't remember her? A Yes sir, I remember the grand father, and more about the grand mother than I do the father.

Q Can you describe the appearance of Martha Moore? A No sir, I don't think I could, I was so small.

Q Do you know whether she spoke or understood the Choctaw language? A No sir, I do not.

Q Where did she live, if you know, before she came to Alabama? A I think I would be correct to say Mississippi is where they came from.

Q Well, didn't you say a while ago that you thought they came from North or South Carolina? A My father moved from there when he came to this country; all my father's parents -- one of my father's parents I think was a native of that State.

Q Now, Martha Moore, was your father's mother? A But when he married I think he married in the State of Mississippi. I was so young I can't be positive, and I don't want to say anything that is not correct.

Q As a matter of father, you don't know where they did come from? A No sir, I just give it in for I don't know.

Q Martha Moore's husband, or your father's father, was a white man was he? A Sir?

Q Your father's father was a white man? A Yes sir.

Q What was his name? A Robert Martin.

Q Do you know the name of Martha Moore's father or mother? A No sir I do not; never have heard.

Q Do you know where they live? A I would not be positive that I do.

Q Are you married? A Yes sir, I have been married; I am a widow now.

Margaret Missouri Campbell, S.

- Q Did your husband have any Choctaw blood? A Not that I ever knowed of.
- Q What was his name? A His name was J.D.Campbell.
- Q Were you ever married more than once? A No sir.
- Q What does that first initial stand for? A John D.Campbell.
- Q Have you any children under twenty one years of age and unmarried?
- A That's the only child I have unmarried, and they are all twenty one The youngest one came twenty one last August.
- Q This application is for yourself only, is it? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A I don't know as I really understand you.
- Q By the tribal rolls, I mean the list of Choctaw Indians who belong to the Choctaw tribe in Indian Territory; these lists are prepared by the Indian authorities or officers. I want to know whether your name is on any of those lists? A I don't know if it is.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir, I have never put in any application.
- Q Did you, in the year 1896, make application to the Commission to the Five Civilized Tribes, that's this Commission, for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?
- A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation, Indian Territory, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.
- Q This is the first application of any kind you have ever made?
- A Yes sir, to this Choctaw blood it is.
- Q In regard to your Choctaw blood? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A Sir?
- Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't think I do, for I have heard something about it, but I don't understand it.

I will try to explain it to you. The treaty of Dancing Rabbit Creek was entered into here in the State of Mississippi on the 27th day of September 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied the greater portion of the State of Mississippi and a small portion of the State of Alabama, along the western edge of the State. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a portion of which is now occupied by the main part of the Choctaw tribe of Indians. At the time this treaty was made, some of the Indians were unwilling to remove from this country to the new country west of the Mississippi River, and insisted that provision be made in the treaty whereby they might be permitted to remain here. For the benefit of those preferring to remain here in the old country, the fourteenth article was put in the treaty. An article is a part or sub-division of a treaty.

Margaret Missouri Campbell, 4.

you understand. The fourteenth article of the treaty of Dancing Rabbit Creek is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Choctaw annuities is the annual payments made to the Choctaws by the Government of the United States under treaty provisions.

Q You think you understand this fourteenth article? A Yes sir, I think I do. Do I understand you, if we go on this land, we must not ever remove off of it?

Q I see you have a wrong idea of this fourteenth article. This fourteenth article was put in there for the benefit of Choctaw Indians who lived here over seventy one years ago. It provided that in case a Choctaw, at that time, ~~intended~~ instead of removing with the tribe out west, - preferred to stay here, he would be permitted to do so, and he would be entitled to select certain land, but he must let the agent of the Government know he wanted to stay here, so a provision might be made here for him, a reservation set aside. He must do that within six months from the time the treaty was ratified; this treaty was ratified on the 24th day of February 1831. After he had signified his intention to stay to this agent, he was entitled to a reservation of one section of six hundred and forty acres of land here in Mississippi at that time, and that land must cover improvements that he has here. If he had a child in his family over ten years of age, that child was entitled to a half section of land, and must adjoin the location of the parent; if he had a child under ten years of age, that child was entitled to a quarter section or one hundred and sixty acres; that land must adjoin the location of the parent. Now, after these reservations had been made to the Choctaw, he was required to live on that land for five years from February 24, 1831, the day the treaty was ratified, and at the end of that time, he would be entitled to a deed or patent from the Government for this land. After he got that he would dispose of the land at his own pleasure. Now, the last clause of that fourteenth is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That is, we

Margaret Missouri Campbell, 5.

will suppose that a man here at that time should have elected to stay here in Mississippi and get land, and that he went to the agent and told him that within six months after February 24, 1831, that he wanted to stay here and the agent made his reservation for him, and he lived on his land for five years after the 24th of February, 1831, and the Government gave him a deed to the land; that last clause said, "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, that is, if he ever removes from this country out west to the new country, that is, if he ever follows the tribe later, he should not participate in the distribution of the Choctaw annuity. The annuity is the annual payments made to the Indians under treaty stipulations. He had received land here in Mississippi, while those who moved out there, many of them, didn't. Of course, it would be unfair for him to get land here, and go out there and share equally of everything with them.

Q Do you think you understand that clearly? A Yes sir, I think I do.

Q Did any of your ancestors ever comply, or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not that I ever knew of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830, when this treaty was made? A You say whether they were?

Q I asked you whether any of them were? A Yes sir.

Q Here in the old Choctaw Nation in Mississippi and Alabama, along the western edge of Alabama? A I don't know if they were living at that time, or not; I don't know when their death was. I suppose the were.

Q You must have had some ancestors living then? A Yes sir, I know my parents were living at that time, of course.

Q Do you know whether they were living in the old Choctaw Nation in Mississippi and Alabama or not? A No sir, they were in Alabama.

Q And you don't know whether any of your ancestors were living here at that time? A No sir, I don't know anything about that, except what I heard my parents say, speaking of the names, that's all.

Q Were any of your ancestors, so far as you know, recognized members of the Choctaw tribe of Indians here at that time? A Well, I have always heard it that they were.

Q What do you understand by recognized members of the tribe anyway?

A Well, I reckon I didn't understand that; of the blood, I mean.

Q That's what you refer to - is that they were generally understood to have Choctaw blood? A Yes sir.

Q I mean by recognized, were they members of the Choctaw tribe; were they so recognized by the officers and other members of the tribe?

A I don't know.

Q And did they maintain tribal relations with the other Indians?

A I don't know.

Q Did any of your Choctaw ancestors own any improvements here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I don't know. I never heard anyone say.

Q Did any of your Choctaw ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, signify to the United States agent for the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know sir.

Margaret Missouri Campbell, 6.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the United States Government under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A I never have heard of it, if they did.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the United States Government under the provisions of any other article of the treaty of Dancing Rabbit Creek, or under the supplement to that treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States under that article. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact signify to him their intention to remain and become citizens of the States. On this account, the Government of the United States at its public land sales, in many instances, sold land upon which Choctaw Indians lived and had improvements, and which they supposed they would receive from the Government under this 14th article. This action of the Government in selling the land upon which these Indians lived and had improvements occasioned a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission, whose duty it should be to come down here to Mississippi and hear cases of Choctaws who claimed that they had complied, in all respects, with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President, and the commissioners came down here and heard a few of these cases, but in the time allowed them by the Act under which they were appointed, they and a subsequent act approved February 27, 1838, providing for their continuance in office, they were unable to dispose of but a comparatively small number of these cases, and of course it became necessary for Congress to make a provision whereby the remainder of these Indians might be given a hearing, and so another Act of Congress was approved on the 23rd day of March, August, 1842, providing for the appointment of another Commission, to come down here and finish up this work. This second commission was duly appointed by the President, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article

Margaret Missouri Campbell, 7.

fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land in lieu thereof, in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this Act of Congress? A Not that I ever heard of.

Q So far as you know, none of your ancestors were ever recognized members of the Choctaw tribe of Indians, were they? A No sir.

Q None of them ever lived in Indian Territory? A No sir.

Q And so far as you know none of your ancestors ever received any benefits as Choctaw Indians? A No sir, I suppose they never.

Q You never heard of any of them getting any land from the Government here any time? A No sir.

Q Or any of them ever receiving any money from the Government as Indians? A No sir.

Q Do you know of any person living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Do I know of any?

Q Anyone living ~~now~~ who would be able to testify on these points? Now, of course, that would take some very old person, and I didn't know but what you might know someone? A No sir, not that I know of.

Q Have you any witnesses present before the Commission to testify in your behalf now? A No sir, I thought the ~~want~~ witnesses would be here, but when we started down --

Q Who did you expect here? A I don't know, excepting - I thought I would put in witnesses who appeared before the Commission on the first of October.

Q You refer to the witnesses who testified in the Susan J. Tippit case? A Yes sir.

Q You and Susan J. Tippit are the descendants of a common ancestor? A Yes sir.

Q What is the name of that common ancestor? A Our grand parents.

Q What is the name of the common ancestor? A Robert Martin and Martha Martin. If I understand who this Susan J. Tippit is. Now, I had a first cousin by the name of Susan Heard, and I suppose she married a Tippit.

Q You have heard that she married a Tippit? A Yes sir, but I have saw her since she married.

Q Are those the only witnesses you have? A Well, there is an old gentleman and his wife, that -- they are not in Alabama now, they have been citizens of Alabama, by the name of Ousley and his wife.

Q They were here and testified in the Susan J. Tippit case? A Yes sir.

Q Are those the only witnesses? A I suppose there was a man by the name of Webb who could testify as to ~~what~~ our great grand parents that we know nothing about.

Q He was here before the Commission? A Yes sir.

Q Are those the only witnesses? A There is none that I know of.

Q No more that you know of? A No sir.

Q Do you know of the existence of any written evidence of any description that would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I don't know that I do.

Q Have you any written evidence of any description that you want to offer at this time? A No sir.

Q Do you want permission to file some at a later date? A To send in evidence?

Q Yes? A Yes sir, if it would be necessary.

Well, now that is a matter for you to decide whether it is necessary, but the Commission will allow you a reasonable time in which to offer written evidence in support of this application; we would be glad, however, if you would ~~be~~ offer such evidence in thirty days from this date. If you discover any further witnesses whom you desire to have appear personally before the Commission, they may appear before the Commission at its office in Atoka, Indian Territory, within a reasonable time, and their testimony will be heard.

Q Do you speak or understand the Choctaw language? A No sir.

Q Are there any further statements you desire to make at this time in support of your application? A No sir; there has been several here that has given in - put in a claim; there was one man here last week, was my cousin by the name of John H. Martin, that he could, if it was required, could testify that I had the same ancestors that he did.

Q Anything further you want to say? A No sir.

Q How many children have you living? A Only six.

Q What are their names? A James W. Campbell, Alice Campbell, Elijah Campbell, Annie, Annette, Amanda.

Q About how old is James? A I say he is thirty two.

Q Is he married? A Yes sir, he is married.

Q Where does he live? A Aldrich, Alabama.

Q Has he any children? A Yes sir.

Q How many? A Has three.

Q Has he been before the Commission? A Yes sir, was here last week.

Q What is his wife's name? A His wife's name is Susie.

Q Has she any Choctaw blood? A No sir, I suppose not.

Q Were you present at their marriage? A Yes sir.

Q Were they married under a license? A No sir, I wasn't I didn't go to the wedding, but the infair was at my house. Yes sir, married under a license.

Q Now, is Alice married? A Yes sir.

Q What is her husband's name? A James Massy.

Q Where does she live? A She lives in Perry County, Alabama.

Q About how old is she? A She will be thirty next January, aint it?

Q Has she been before the Commission? A No sir, she was sick, and her baby was sick, or she would have come with us.

Q How many children has she? A Two.

Q How old is Elijah? A He will be twenty nine years old next April.

Q Where does he live? A Harrisburg, with me.

Q Has he been before the Commission? A He is here to-day; that's him.

Q Is he married? A No sir.

Q How old is Annie? A Twenty four.

Q Is she married? A Yes sir.

Margaret Missouri Campbell, 9.

- Q What is her husband's name? A Luther Atchison.
- Q She has been before the Commission? A Yes sir, she was here last week I heard.
- Q Where does she live? A Selma, Alabama.
- Q Has she any children? A Two.
- Q About how old is Annette? A Twenty two.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Alton Wallace.
- Q Where does she live? A She lives in Perry County.
- Q Has she been before the Commission? A She is here now.
- Q Has she any children? A No sir.
- Q How old is Mandy? A She was twenty one last August.
- Q Where does she live? A Its Perry County, aint it? Alabama.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Reginald Massey.
- Q Has she any children? A Yes sir, two.
- Q Did you ever have any other children besides these six? A Yes sir, I have three dead, little ones; they died when they were small. Died when they were infants, you might say.
- Q Any of your brothers living? A Yes sir, I have one there living is all.
- Q What is his name? A David M. Martin.
- Q Where does he live? A Plantersville, Alabama.
- Q About how old is he? A Forty years old; he is the youngest child.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A Emma.
- Q Have they any children? A Yes, sir; two living.
- Q Are any of your sisters living? A Yes sir.
- Q How many? A I have only three that I know of.
- Q What are their names? A Mrs. Martha Wright, and Mrs. Sarah Smith, and Mrs. Emily Hayes.
- Q That's all is it? A Yes sir.
- Q Where does Martha Wright live? A She lives in Perry County, Alabama.
- Q About how old is she? A She is something near sixty.
- Q Has she been before the Commission? A Yes sir. I think I have heard she has.
- Q Has she any children? A Yes sir, she has six children. She has two minor children that's not of age.
- Q Were you married more than once? A No sir.
- Q Was your father married more than once? A No sir.
- Q Where does Sarah Smith live? A I don't know where it is at this time.
- Q How long since you heard from her? A Its been two years ago.
- Q Where was she? A She is in some of those Northern states, but I don't remember; I haven't had a letter from her.
- Q You don't know whether she has been before the Commission? A No sir; I am satisfied she has not in this state.
- Q How many children has she? A She only has three.
- Q What is her husband's name? A John Smith. I don't really know whether they are living together or not; they were separated the last I heard from her.
- Q Where does Emily Hayes live? A In Birmingham.
- Q About how old is she? A She is fifty six years old.
- Q Has she any children? A Yes sir, she has several.
- Q Do you know their names? A Yes sir.
- Q Now, how many other brothers did you have besides David? A Four

Margaret Missouri Campbell, 10.

- Q Did any of those leave families? A Yes sir, one.
Q What was his name? A Eliazer.
Q How many children did he leave? A Three, two girls and one boy.
Q Are they living now? A Yes sir, I suppose they are.
Q What are their names? A In Texas.
Q What are their names? A Willie Martin, Ed Martin and Anna Bell; she was Martin, but she married.
Q The other two brothers didn't leave families? A No sir, they died in the war.
Q Now, you had some other sisters, didn't you? A Yes sir.
Q How many? A There was nine of us girls and four boys, or thirteen children.
Q Then you had five more sisters? A Yes sir.
Q Did any of them leave families? A Yes sir.
Q How many of them? A Two of them left children.
Q What is the name of the oldest one? A Her present name when she died was Mary Bigglescone. She married the second time.
Q Did she have any children by her second husband? A No sir.
Q How many of Mary's children are living? A Four.
Q What are their names? A The oldest one, Robert Milling, Eliazer Milling, Mrs. Carroll, Sallie Carroll it is named, and Thomas Milling.
Q Have any of them been before the Commission? A I don't know that they have. Mr. Carroll's wife has, I suppose.
Q Are any of them here this morning? A Yes sir, this man, Eliazer.
Q What is the name of your next sister who left children? A Rebecca Eaves.
Q How many children did she leave? A She left three.
Q Are they living now? A Yes sir.
Q What are their names? A The oldest one, Alenzo Eaves.
Q Where does he live? A Birmingham.
Q Has he been before the Commission? A No sir, I think not.
Q The next one? A That's Walton Eaves. He is here before the Commission.
Q The next one? A James Eaves. He is living with his father, - a minor child. That's his father there.
Q His father is here this morning for the purpose of making application for him? A Yes sir.
Q What is his father's name? A Taylor Eaves.
Q Your other three sisters that have died didn't leave children?
A No sir, one of them that never was married.
Q Can you give the names of your father's brothers and sisters?
A My father's; their given names?
Q Yes? A The oldest one, but I couldn't tell you how they come in.
Q Go ahead and give us the names? A My father was the oldest child, was James Martin.
Q The next? A The next one was Ann Martin.
Q The next? A There was Robert Martin, George Martin, and David Martin, and then there was Caroline, Susan and Emily, and I don't know whether that's all. There might have been more, but that's all I ever knew.

Margaret Mississippi Campbell, 11.

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

R. S. Strait, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the ninth day of October, nineteen hundred and one, and that the above and foregoing is a full true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Strait

Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L. B. Mosley

Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Margaret M. Campbell,
Harrisburg, Ala.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | | | |
|---------------------------------|---|---|---|------|
| Susan J. Tippit, et al., | M | C | R | 203 |
| Alva N. Tippit, et al., | M | C | R | 202 |
| John R. Tippit, et al., | M | C | R | 204 |
| Mary E. Tippit, | M | C | R | 347 |
| Suetta Tippit, | M | C | R | 348 |
| Marion N. McGee, et al., | M | C | R | 1048 |
| James F. McGee, et al., | M | C | R | 1049 |
| Mattie Walker, et al., | M | C | R | 1160 |
| Marion E. Martin, | M | C | R | 1161 |
| David Martin, et al., | M | C | R | 1162 |
| Callie Walker, et al., | M | C | R | 1164 |
| Sallie Carroll, et al., | M | C | R | 1165 |
| Verna Annabel Pierson, et al., | M | C | R | 1176 |
| George F. Martin, et al., | M | C | R | 1182 |
| Malitee Paralee Harris, et al., | M | C | R | 1185 |
| Robert M. Martin, et al., | M | C | R | 1188 |
| Neatie Bozeman, | M | C | R | 1189 |
| Rutherford McDuffey Martin, | M | C | R | 1190 |
| Rotha B. Walker, | M | C | R | 1191 |
| David Moseley Walker, | M | C | R | 2086 |
| Evie Melton, et al., | M | C | R | 2138 |
| Robert F. Williams, et al., | M | C | R | 2245 |
| William H. Williams, | M | C | R | 2246 |
| Mollie Williams, | M | C | R | 2247 |
| Maggie Williams, | M | C | R | 2248 |
| Susan A. B. Terry, et al., | M | C | R | 2325 |
| John H. Martin, et al., | M | C | R | 2326 |
| Joseph P. Martin, | M | C | R | 2327 |
| Ada Wylie, | M | C | R | 2480 |
| William T. Wright, | M | C | R | 2481 |
| Mitchel L. Wright, et al., | M | C | R | 2482 |

| | | | | |
|-----------------------------|---|---|---|------|
| Martha L. Wright, et al., | M | C | R | 2483 |
| James G. Wright, et al., | M | C | R | 2484 |
| Nannie Parnell, et al., | M | C | R | 2493 |
| Thomas M. Martin, | M | C | R | 2501 |
| Robert A. Martin, | M | C | R | 2508 |
| Anna Parnell, et al., | M | C | R | 2637 |
| William S. Eaves, et al., | M | C | R | 3621 |
| Rebecca Lue Hooks, et al., | M | C | R | 3622 |
| Sarah J. Chambers, et al., | M | C | R | 3668 |
| Emily A. Eaves, et al., | M | C | R | 3669 |
| Willie Jowers, | M | C | R | 3670 |
| Annie Atchison, et al., | M | C | R | 3671 |
| William F. Martin, et al., | M | C | R | 3677 |
| Mary J. Tate, et al., | M | C | R | 3678 |
| Eliza Perkerson, | M | C | R | 3679 |
| Ettie Merritt, | M | C | R | 3680 |
| Jesse Z. Eaves, et al., | M | C | R | 3681 |
| Pierson G. W. Hooks, | M | C | R | 3682 |
| Effie Harris, | M | C | R | 3683 |
| Walter Martin, | M | C | R | 3684 |
| James W. Campbell, et al., | M | C | R | 3685 |
| Margaret Missouri Campbell, | M | C | R | 3745 |
| Elijah Campbell, | M | C | R | 3746 |
| Mildred Annett Wallace, | M | C | R | 3747 |
| Eliazer J. Milling, et al., | M | C | R | 3748 |
| James Eaves, | M | C | R | 3749 |
| Walter Eaves, | M | C | R | 3750 |
| David W. Martin, et al., | M | C | R | 3909 |
| Mattie Warner, | M | C | R | 3910 |
| Vesta M. Herod, | M | C | R | 3911 |
| Robert W. Martin, et al., | M | C | R | 4491 |

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands un-der the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamc Dixby.*

Registered.

Acting Chairman.

M.C.R. 3745

Muskogee, Indian Territory, November 12, 1902.

Margaret Missouri Campbell,
Harrisburg, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippet, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

(SIGNED)

Tom D. Dixey

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Margaret Missouri Campbell,

Harrisburg, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. N. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. N. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. N. Springer has died, and the Depart-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MCB-3743

Muskogee, Indian Territory, January 17, 1907.

Margaret Missouri Campbell,
Harrisburg, Alabama.

Dear Madam:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Cams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

OCT 9 1901

Name *Margaret Missouri Campbell*

Age *51*

Blood *1/8*

Post Office *Harrisburg, Ala.*

Father: *James Martin* d

Mother: *Eliza Pierson* d

Claims through *father*

(Claims for herself only)

Children:

Stenographer

R. I. Shurt

Choctaw MCR 3746

Elijah Campbell

See MCR 203

MCR 3746

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 9/1901.

In the matter of the application of Elijah Campbell for identification as a Mississippi Choctaw.

Elijah Campbell, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Elijah Campbell.
- Q How much Choctaw blood do you claim to have? A I don't know sir, I suppose one sixteenth.
- Q How old are you? A About twenty nine.
- Q What is your post office address? A Narrisburg, Alabama,--Bibb county.
- Q How long have you lived there? A Two years.
- Q Where did you live before that? A Perry county, Alabama, four years.
- Q And where did you live before that? A Chilton county.
- Q How long did you live there? A I couldn't say exactly, we lived first in one county and then in another.
- Q You lived in adjoining counties there? A Yes sir.
- Q You lived in Perry Chilton and Bibb counties all your life? A Yes and Dallas.
- Q Did you ever live outside of the state of Mississippi Alabama? A No sir, never made my home outside.
- Q Is your father living? A No sir.
- Q What was his name? A John D. Campbell.
- Q Did he have any Choctaw blood? A I suppose not.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Margaret Missouri Campbell.
- Q Has she any Choctaw blood? A I suppose she has.
- Q How much? A One eighth I guess.
- Q Is she the identical Margaret Missouri Campbell who appeared before the Commission just before you took the stand? A Yes sir.
- Q About how old is she? A I don't know sir, she is something over fifty years old.
- Q Has she always lived in the state of Alabama? A Yes sir.
- Q Are either of her parents living? A No sir.
- Q Through which one of her parents did she derive her Choctaw blood? A Her father.
- Q What was his name? A James Martin.
- Q How much Choctaw blood did he have? A I don't know sir.
- Q Your mother was one eighth--what was your grandfather--how much Choctaw blood did he have? A He must have been one quarter.
- Q Did your mother's mother have any Choctaw blood, A No sir, I guess not.
- Q What was her name? A I don't know that I know her name.
- Q Where did James Martin live during his lifetime? A He lived in Chilton county.
- Q Alabama? A Yes sir.
- Q Did he live there all his life? A I don't know sir, he lived there ever since I knew anything of him.

Elijah Campbell----2.

- Q Do you know through which one of his parents he derived his Choctaw blood? A His mother, I suppose.
- Q What was her name? A I don't remember her name.
- Q What was her father's name? A I don't know sir.
- Q Do you know where his father and mother lived? A No sir.
- Q You know nothing about them at all? A No sir.
- Q You don't know the name of any one of your ancestors farther back than your grandfather? A No sir.
- Q Are you married? A No sir.
- Q This application is for yourself only? A Yes sir.
- Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A I guess not.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of that tribe? A No sir.
- Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made any application of any description prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know that I do.
- Q You have heard it explained fully to your mother when she was on the stand? A Yes, I have heard it explained.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaw Indians occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the western edge of the state. The object of this treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river. At the time this treaty was made some of the Indians were unwilling to remove to the new country, and insisted that provisions be made in the treaty whereby they might be permitted to remain here. For the benefit of those that wanted to remain here, the fourteenth article was put into that treaty. That fourteenth article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bound-

Elijah Campbell-----3.

ed by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article now? A Yes sir, I suppose so.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I guess not.

Q Were any of them living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I guess not.

Q Did any of them own any improvements here at that time? A Not that I ever heard of.

Q Did any of your Choctaw ancestors ever live in Indian Territory? A Not that I know of.

Q None of them moved out there when the main portion of the tribe moved out there between the years 1833 and 1836? did they? A Not as I ever heard of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government here in Mississippi for the Choctaws their intention to remain in Mississippi and become citizens of the states? A Not that I heard of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I suppose not.

Q Did any of them ever claim or receive any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek or under the supplement of that treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states and take land under article fourteen of that treaty. This agent, as the records of the government show, failed to register and report to the government the names of many Indians who did in fact signify to him their intention to remain and take land under that article. On this account, the government at its public land sales

Elijah Campbell-----4.

sold land upon which Choctaw Indians lived and had improvements and which they supposed they would receive from the government under that fourteenth article. This action of the government caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission, whose duty it should be to proceed to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed to them by the act of Congress under which they were appointed and a subsequent act approved February 22, 1838, they were unable to dispose of but a comparatively small number of cases. And it therefore became necessary for Congress to make provision whereby the remainder of these Choctaws might be given hearings. Another act of Congress was passed and approved on August 23, 1842, providing for another Commission whose duty it should be to come down here and finish up the work of hearing these Choctaw cases. This second Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a great many more of these cases.

Q Did any of your ancestors ever appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to receive in lieu thereof land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas from vacant government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever received any scrip from the United States Government under this act of Congress? A Not that I know of.

Q So far as you know now of your ancestors were ever recognized members of the Choctaw tribe of Indians? A No sir.

Q And none of them ever received any benefits of any description as such? A No sir.

Q Have you any witnesses before the Commission today? A No sir.

Q Do you know of any one living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I

suppose the witnesses who were before the Commission the first of the month could testify to that effect.

Q Who? A Thomas Ousley and his wife and R.L. Webb.

Q They are the witnesses who were here before the Commission to testify in the Susan J. Tippit cases were they not? A Yes sir.

Elijah Campbell-----5.

- Q Are you and Susan J. Tippet descendants of a common ancestor?
A Yes sir, I suppose we were.
Q What is the name of that common ancestor? A I do not know.
Q Any other witnesses that you know of that will be able to testify on this point? A No sir, none that I know of.
Q Do you know of the existence of any written evidence of any description which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Have you any written evidence you want to offer at this time?
A No sir.
Q Any further statements you want to make? A No sir, I believe not.
Q Do you want permission to file written evidence at a later date?
A Well, none that I know of.

You will be allowed a reasonable time in which to file proper written evidence in support of this case. The Commission would be glad however if you should see fit to file any to have you offer it within a period of thirty days from this date. If you should discover any witnesses whom you may desire to have appear before the Commission, they may appear at Atoka, Indian Territory, within a reasonable time and their testimony will be taken.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any brothers living? A One.
Q What is his name? A James Campbell.
Q Did you ever have any other brothers? A Yes sir, but he died when he was very young.
Q Have you any sisters living? A Yes sir, four.
Q What are their names? A Alice Massey, Armie Atchison, Amanda Massey and Annett Wallace.
Q Did you ever have any other sisters? A Well, yes sir, but they died when they was small.

This applicant has the appearance of being a white man and shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 10th day of October, 1901.

H.C. Risteen

[Signature]
Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Elijah Campbell,

Harrisburg, Ala.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | | | |
|---------------------------------|---|---|---|------|
| Susan J. Tippit, et al., | M | C | R | 203 |
| Alva N. Tippit, et al., | M | C | R | 202 |
| John R. Tippit, et al., | M | C | R | 204 |
| Mary E. Tippit, | M | C | R | 347 |
| Suetta Tippit, | M | C | R | 348 |
| Marion N. McGee, et al., | M | C | R | 1048 |
| James F. McGee, et al., | M | C | R | 1049 |
| Mattie Walker, et al., | M | C | R | 1160 |
| Marion E. Martin, | M | C | R | 1161 |
| David Martin, et al., | M | C | R | 1162 |
| Callie Walker, et al., | M | C | R | 1164 |
| Sallie Carroll, et al., | M | C | R | 1165 |
| Verna Annabel Pierson, et al., | M | C | R | 1176 |
| George F. Martin, et al., | M | C | R | 1182 |
| Malitee Paralee Harris, et al., | M | C | R | 1185 |
| Robert M. Martin, et al., | M | C | R | 1188 |
| Neatie Bozeman, | M | C | R | 1189 |
| Rutherford McDuffey Martin, | M | C | R | 1190 |
| Rotha B. Walker, | M | C | R | 1191 |
| David Moseley Walker, | M | C | R | 2086 |
| Evie Melton, et al., | M | C | R | 2138 |
| Robert F. Williams, et al., | M | C | R | 2245 |
| William H. Williams, | M | C | R | 2246 |
| Mollie Williams, | M | C | R | 2247 |
| Maggie Williams, | M | C | R | 2248 |
| Susan A. B. Terry, et al., | M | C | R | 2325 |
| John H. Martin, et al., | M | C | R | 2326 |
| Joseph P. Martin, | M | C | R | 2327 |
| Ada Wylie, | M | C | R | 2480 |
| William T. Wright, | M | C | R | 2481 |
| Mitchel L. Wright, et al., | M | C | R | 2482 |

| | | | | |
|-----------------------------|---|---|---|------|
| Martha L. Wright, et al., | M | C | R | 2483 |
| James G. Wright, et al., | M | C | R | 2484 |
| Nannie Parnell, et al., | M | C | R | 2493 |
| Thomas M. Martin, | M | C | R | 2501 |
| Robert A. Martin, | M | C | R | 2508 |
| Anna Parnell, et al., | M | C | R | 2637 |
| William S. Eaves, et al., | M | C | R | 3621 |
| Rebecca Lue Hooks, et al., | M | C | R | 3622 |
| Sarah J. Chambers, et al., | M | C | R | 3668 |
| Emily A. Eaves, et al., | M | C | R | 3669 |
| Willie Jowers, | M | C | R | 3670 |
| Annie Atchison, et al., | M | C | R | 3671 |
| William F. Martin, et al., | M | C | R | 3677 |
| Mary J. Tate, et al., | M | C | R | 3678 |
| Eliza Perkerson, | M | C | R | 3679 |
| Ettie Merritt, | M | C | R | 3680 |
| Jesse Z. Eaves, et al., | M | C | R | 3681 |
| Pierson G. W. Hooks, | M | C | R | 3682 |
| Effie Harris, | M | C | R | 3683 |
| Walter Martin, | M | C | R | 3684 |
| James W. Campbell, et al., | M | C | R | 3685 |
| Margaret Missouri Campbell, | M | C | R | 3745 |
| Elijah Campbell, | M | C | R | 3746 |
| Mildred Annett Wallace, | M | C | R | 3747 |
| Eliazer J. Milling, et al., | M | C | R | 3748 |
| James Eaves, | M | C | R | 3749 |
| Walter Eaves, | M | C | R | 3750 |
| David W. Martin, et al., | M | C | R | 3909 |
| Mattie Warner, | M | C | R | 3910 |
| Vesta M. Herod, | M | C | R | 3911 |
| Robert W. Martin, et al., | M | C | R | 4491 |

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tame Bixby.*

Acting Chairman.

Registered.

COPY.

M.C.R. 3746

Muskogee, Indian Territory, November 12, 1902.

Elijah Campbell,

Harrisburg, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

Acting Chairman.

M.C.R. 3746.

Muskogee, Indian Territory, December 21, 1903.

Elijah Campbell,

Harrisburg, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippet et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

1 —————

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. H. Springer, on March 24, 1962, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

MOR-3746

COPY

Muskogee, Indian Territory, January 17, 1907.

Elijah Campbell,
Harrisburg, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippet et al., of which the application for the identification of yourself is a part.

Respectfully,

SIG^A

Wams Bixby.

Commissioner.

#1443

No. 3746

For Identification as a Mississippi Choctaw.

Name ^{Date} Elijah Campbell
Age 29 Blood 1/16
Post Office Harrisburg, Ala.
Father John D. Campbell M
Mother Margaret Minnini L
Claims through mother

(Colored person in family)

Children:

Stenographer

A. C. Risten

Choctaw MCR 3747

Mildred Annett Wallace

See MCR 203

MCR 3747

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 9, 1901.

In the matter of the application of Mildred Annett Wallace for identification as a Mississippi Choctaw.

Mildred Annett Wallace, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mildred Annett Wallace.
Q How much Choctaw blood do you claim to have? A I suppose one sixteenth.
Q How old are you? A Twenty two years old last May.
Q What is your post office address? A Levert, Perry county, Alabama.
Q How long have you lived there? A I moved there in February.
Q Last February? A Yes sir.
Q Where did you live before that? A I lived at Aldrich, Alabama, just a short time.
Q How long? A About two months.
Q Where did you live before that? A Harrisburg.
Q And where did you live before that? A In Perry county.
Q How long did you live there? A Four years.
Q Where did you live before that? A In Chilton county.
Q Were you born and raised there? A I was partly raised there-- I think I was born there.
Q Did you ever live outside of the state of Alabama? A No sir.
Q Is your father living? A No sir.
Q What was his name? A John D. Campbell.
Q Did he have any Choctaw blood? A Not that I ever knew.
Q Is your mother living? A Yes sir.
Q What is her name? A Margaret Missouri Campbell.
Q Has she any Choctaw blood? A Yes sir, I suppose so.
Q How much? A One eighth.
Q Where does she live? A Harrisburg, Alabama.
Q Is she the Margaret Missouri Campbell who appeared before the Commission here this morning? A Yes sir.
Q How long has your mother lived in the state of Alabama? A All of her life.
Q Has she ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not as I ever knew of.
Q Through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A James Martin.
Q Did you ever see him? A No sir.
Q When did he die? A About twenty years ago.
Q How much Choctaw blood did he have? A One quarter.
Q Do you know where he lived before your mother was born? A No sir.
Q You know nothing about his residence? A No sir.
Q What was your mother's mother's name? A Eliza.
Q She had no Choctaw blood? A Not that I know of.

Mildred Annett Wallace-----2.

- Q Through which one of his parents did James Martin get his Indian blood? A His mother.
- Q What was her name? A Martha Martin.
- Q What was her maiden name? A Martha Moore.
- Q Did you ever see her? A No sir.
- Q Do you know where she lived? A No sir.
- Q You know nothing about her? A No sir.
- Q How much Choctaw blood did she have? A She was supposed to be one half.
- Q What was her husband's name? A Robert Martin.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir?
- Q What is his name? A Algernon Wallace.
- Q Has he any Choctaw blood? A Not that I know of.
- Q You make no claim for him? A No sir.
- Q Have you any children? A No sir.
- Q This application then is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did anybody else ever make such an application for you? A Not that I ever knew of.
- Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Not that I know of.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Did you ever make any application of any description prior to today? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You have heard it explained fully to your mother and brother who were on the stand this morning? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I do not know.
- Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here in Mississippi in 1830 when this treaty was made? A I couldn't tell you.
- Q Do you know whether any of them lived here at that time or not? A No sir.
- Q Do you know whether any of them owned any improvements here at that time? A No sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time the other Choctaws were removed between 1833 and 1838? A Not that I know of.

Mildred Annett Wallace-----3.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim any land in Mississippi or receive any from the United States government under the provisions of any other article of the treaty of Dancing Rabbit Creek than article fourteen or under the supplement of that treaty? A Not as I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states. The records of the government show that that agent failed to register and report to the government the names of many Indians who did in fact signify to him their intention to remain here and become citizens. And on this account, the government at its public lands sales in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the government under the provisions of this fourteenth article. This action of the government in selling the land of the Choctaws caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission whose duty it should be to proceed to Mississippi and hear the cases of Choctaw Indians who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here and heard a few of these cases, but in the time allowed to them under the act of Congress under which they were appointed and another subsequent act, approved February 22, 1838, continuing them in office, they were unable to dispose of but a comparatively small number of cases and it therefore became necessary for Congress to make further provision whereby the remainder of these cases of Choctaws might be heard. So another act of Congress was passed which was approved on the 23rd day of August 1842, providing for the appointment of another Commission to come down here and finish up this work. This second Commission was duly appointed and they came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article fourteen? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States government under the provisions of this act of Congress?

Mildred Annett Wallace--- --4.

A No sir.

Q So far as you know none of your ancestors were recognized members of the Choctaw tribe of Indians? A Not that I know of.

Q And none of them ever received any benefits as such? A Not that I know of.

Q So far as you know none of your ancestors ever received any land here in Mississippi from the Government? A No sir.

Q Or any money? A No sir.

Q Do you know any one living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know that I do.

Q Do you know of the existence of any written evidence of any description which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any witnesses before the Commission today? A No sir, we propose to introduce those that were before the Commission the first of this month.

Q What are the names of these witnesses? A Thomas Ousley and R.E. Webb.

Q They are the witnesses who were here in the Susan J. Tippet cases? A Yes sir.

Q Are you and Susan J. Tippet descended from the same common ancestor? A Yes sir.

Q What is the name of that common ancestor? A I do not know.

The testimony of those witnesses who testified in the Tippet cases will be considered in connection with your case as you are descended from the same Choctaw ancestor as Susan J. Tippet. It will not be necessary for you to bring them here again in your case.

Q Do you know of any other witnesses you want to introduce? A No sir.

Q Have you any written evidence you desire to offer at this time? A No sir.

Q Do you want permission to file written evidence later? A I guess so, if it is needed.

You will be allowed a reasonable time in which to file proper written evidence in support of your application. The Commission would be glad if you would file the ~~written~~ evidence within thirty days from this date if it is possible for you to do so. If you should desire to have any other witnesses appear before the Commission and give their testimony, they may appear before the Commission at its office in Atoka, Indian Territory, within a reasonable time and their testimony will be taken.

Q Have you any further statements you want to make? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A Two.

Q What are their names? A James Campbell and Elijah Campbell.

Mildred Annett Wallace-----5.

Q Did you ever have any other brothers? A There were two died in infancy.

Q Have you any sisters living? A Yes sir.

Q Give their names? A Alice Rebecca Massey, Annie Eliza Atchison and Amanda Missouri Massey.

Q Next one? A That is all I have.

Q Have you any deceased sisters? A One.

Q Did she grow to womanhood? A She died in infancy.

This applicant has the appearance of being a white woman, and shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L.P. Massey

Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

COMMISSIONERS
HENRY L. DAVIS
TANS BIRBY
THOMAS B. NEEDLES
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Mildred Annett Wallace,

Levert, Ala.

Dear Madam:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | | | |
|---------------------------------|---|---|---|------|
| Susan J. Tippit, et al., | M | C | R | 203 |
| Alva N. Tippit, et al., | M | C | R | 202 |
| John R. Tippit, et al., | M | C | R | 204 |
| Mary E. Tippit, | M | C | R | 347 |
| Suetta Tippit, | M | C | R | 348 |
| Marion N. McGee, et al., | M | C | R | 1048 |
| James F. McGee, et al., | M | C | R | 1049 |
| Mattie Walker, et al., | M | C | R | 1160 |
| Marion E. Martin, | M | C | R | 1161 |
| David Martin, et al., | M | C | R | 1162 |
| Callie Walker, et al., | M | C | R | 1164 |
| Sallie Carroll, et al., | M | C | R | 1165 |
| Verna Annabel Pierson, et al., | M | C | R | 1176 |
| George F. Martin, et al., | M | C | R | 1182 |
| Malitee Paralee Harris, et al., | M | C | R | 1185 |
| Robert M. Martin, et al., | M | C | R | 1188 |
| Neatie Bozeman, | M | C | R | 1189 |
| Rutherford McDuffey Martin, | M | C | R | 1190 |
| Rotha B. Walker, | M | C | R | 1191 |
| David Moseley Walker, | M | C | R | 2086 |
| Evie Melton, et al., | M | C | R | 2138 |
| Robert F. Williams, et al., | M | C | R | 2245 |
| William H. Williams, | M | C | R | 2246 |
| Mollie Williams, | M | C | R | 2247 |
| Maggie Williams, | M | C | R | 2248 |
| Susan A. B. Terry, et al., | M | C | R | 2325 |
| John H. Martin, et al., | M | C | R | 2326 |
| Joseph P. Martin, | M | C | R | 2327 |
| Ada Wylie, | M | C | R | 2480 |
| William T. Wright, | M | C | R | 2481 |
| Mitchel L. Wright, et al., | M | C | R | 2482 |

| | | | | |
|-----------------------------|---|---|---|------|
| Martha L. Wright, et al., | M | C | R | 2483 |
| James G. Wright, et al., | M | C | R | 2484 |
| Nannie Parnell, et al., | M | C | R | 2493 |
| Thomas M. Martin, | M | C | R | 2501 |
| Robert A. Martin, | M | C | R | 2508 |
| Anna Parnell, et al., | M | C | R | 2637 |
| William S. Eaves, et al., | M | C | R | 3621 |
| Rebecca Lue Hooks, et al., | M | C | R | 3622 |
| Sarah J. Chambers, et al., | M | C | R | 3668 |
| Emily A. Eaves, et al., | M | C | R | 3669 |
| Willie Jowers, | M | C | R | 3670 |
| Annie Atchison, et al., | M | C | R | 3671 |
| William F. Martin, et al., | M | C | R | 3677 |
| Mary J. Tate, et al., | M | C | R | 3678 |
| Eliza Perkerson, | M | C | R | 3679 |
| Ettie Merritt, | M | C | R | 3680 |
| Jesse Z. Eaves, et al., | M | C | R | 3681 |
| Pierson G. W. Hooks, | M | C | R | 3682 |
| Effie Harris, | M | C | R | 3683 |
| Walter Martin, | M | C | R | 3684 |
| James W. Campbell, et al., | M | C | R | 3685 |
| Margaret Missouri Campbell, | M | C | R | 3745 |
| Elijah Campbell, | M | C | R | 3746 |
| Mildred Annett Wallace, | M | C | R | 3747 |
| Eliazer J. Milling, et al., | M | C | R | 3748 |
| James Eaves, | M | C | R | 3749 |
| Walter Eaves, | M | C | R | 3750 |
| David W. Martin, et al., | M | C | R | 3909 |
| Mattie Warner, | M | C | R | 3910 |
| Vesta M. Herod, | M | C | R | 3911 |
| Robert W. Martin, et al., | M | C | R | 4491 |

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Bozeman, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Willie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Marvin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Dixby.

Acting Chairman.

Registered.

COPY

M.C.R. 3747

Muskogee, Indian Territory, November 12, 1902.

Mildred Annett Wallace,
Levert, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

James D. Ruby

Acting Chairman.

M.O.R. 3747.

Muskogee, Indian Territory, December 31, 1903.

Mildred Annett Wallace,
Lovart, Alabama.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippet, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

M E V ———

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR-3747

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1907.

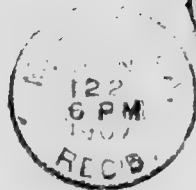
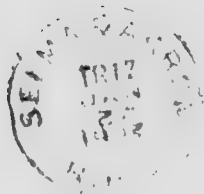
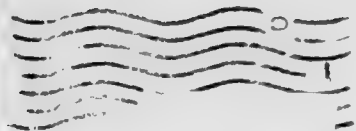
Mildred Annett Wallace,
Lovert, Alabama.

Dear Madam:

You are hereby notified that on January 7, 1907, the secretary of the Interior denied a motion, filed June 26, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Miss. Choctaw Div.



Mildred Annett Wallace,

Lovert, Alabama.

recd.

#1444

No. 3747

For Identification as a Mississippi Choctaw.

Date

Oct 1 1901

Name Mildred Annette Wallace

Age 22 Blood 1/16

Post Office Levert, Ala.

Father: John S. Campbell &

Mother: Margaret Missouri

Claims through mother

(Claims for no copy or copy)

Children:

Stenographer

J. H. Chilton

Choctaw MCR 3748

Eliazer J. Milling

See MCR 203

MCR 3748

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 9, 1901.

In the matter of the application of Eliazer J. Milling for the identification of himself and five minor children as Mississippi Choctaws.

Eliazer J. Milling, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Eliazer J. Milling.
Q How much Choctaw blood do you claim to have? A One sixteenth I reckon.
Q How old are you? A Forty years old.
Q What is your post office address? A Centerville, Alabama.
Q What county? A Bibb.
Q How long have you lived there? A I have been in that county for nearly three years, but I have not been at Centerville but about one year.
Q Where did you live before you went to Bibb county? A Chilton.
Q How long did you live there? A Seventeen years.
Q Where did you live before that? A Dallas county.
Q How long did you live there? A I was born in Dallas, and I was sixteen years old when I moved to Chilton county.
Q You never lived outside of the state of Alabama? A Yes sir, I lived in Kentucky one year.
Q That is the only time you have lived outside of that state?
A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Robert Milling.
Q Did he have any Choctaw blood? A No sir, not that I know of.
Q Is your mother living? A No sir.
Q What was her name? A Mary Ann Milling.
Q Did she have any Choctaw blood? A Yes sir.
Q How much? A One eighth.
Q Where did she live during her lifetime? A She lived in Chilton county.
Q How old would she be if she were living now? A I don't know whether I could hardly tell.
Q About how old? A About sixty four, --I wouldn't be positive about that.
Q Did she live in Alabama all her life? A Yes sir, I suppose she did.
Q Was she ever in Indian Territory? A No sir.
Q Were you ever there? A No sir.
Q She never was recognized in any manner or enrolled as a member of the Choctaw tribe out there? A No sir.
Q Through which one of her parents did your mother derive her Choctaw blood? A Her father.
Q What was his name? A James Martin.
Q Did you ever see him? A Yes sir.
Q When did he die? A He died, I reckon, twenty two years ago.
Q How old was he when he died? A I don't know sir.
Q Was he a pretty old man when he died? A He was not powerful old--he was a pretty stout man.

Eliaser A. Milling-----2.

- Q Did he live in Alabama all his life? A I don't know sir, since I knew him he lived in Alabama.
- Q You don't know where he might have lived before you were born? A No sir.
- Q What was your mother's mother's name? A I don't believe I could tell you her name.
- Q Through which one of his parents did James Martin get his Choctaw blood? A I don't know that.
- Q Are you any relation to the applicant Margaret Missouri Campbell who appeared here this morning? A Yes sir--she is my aunt--my mother's full sister.
- Q You don't know the names of any of your ancestors farther back than your grandfather? A No sir.
- Q Nor where they lived or anything about them? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Amanda E. Milling.
- Q Are you living with her now? A Yes sir.
- Q Have you ever been married more than once? A No sir.
- Q Has your wife any Choctaw blood? A No sir.
- Q You make no claim for her? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Five.
- Q What are their names and ages, the oldest first? A Robert, he is fourteen years old.
- Q Next one? A Johnny.
- Q A boy? A Yes sir.
- Q How old? A Twelve years old.
- Q Next one? A Willie.
- Q How old? A Nine.
- Q That is a boy? A Yes sir.
- Q Next one? A Palestine.
- Q Is Palestine a boy or girl? A Boy.
- Q How old is he? A Seven years old.
- Q Next one? A Luella---she is a girl.
- Q How old? A Four years old.
- Q Is that all? A Yes sir.
- Q Are these children all living with you? A Yes sir.
- Q Are all five of them the children of yourself and Amanda E. Milling? A Yes sir.
- Q Were you married to her under a license? A Yes sir.
- Q When? A Seventeen years ago.
- Q Where? A Chilton county, Alabama.
- Q Who performed the marriage ceremony? A Huckaby, a Baptist preacher.
- Q Have you your license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Amanda E. Milling for consideration in connection with the application you make in behalf of your five minor children. The Commission would be glad to have you furnish this within thirty days if you possibly can. To prove this marriage you can either send your original marriage license and certificate or a certified copy of the same.

Eliaser A. Milling-----3.

Q This application then is for yourself and five minor children?
A Yes sir.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the Choctaw tribe? A No sir.

Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, for yourself or any of these children? A No sir.

Q Have you or has any one of these children ever been admitted to citizenship in the Choctaw Nation in Indian Territory by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.

Q Have you ever made any application of any description prior to this time for yourself or any of these children to be admitted or enrolled as citizens of the Choctaw nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that fourteenth article? A Yes sir; I have heard you explain it.

Q You have heard it explained two or three times this morning to applicants? A Yes sir.

Q And you think you understand it now? A Yes sir, I think I understand it.

For fear you might not understand it, I will read it to you again: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

Q Do you know about that? Do you know whether they did or not? A No sir, not as I know of.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, not as I know of; some of my ancestors might have been living then. Some of them I expect were living in Alabama.

Eliazar A. Milling----4.

Q Do you know whether they were living in what constituted the old Choctaw Nation or not? A No sir.

Q Were any of them recognized members of the Choctaw tribe of Indians at that time? A No sir, not that I know of.

Q Did any of them at that time own any improvements on what constituted the old Choctaw nation in Mississippi and Alabama? A Not as I know anything about.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir, not that I know anything about.

Q Did any of your Choctaw ancestors ~~xxxx~~ within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the states? A No sir, not that I know of.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, not that I know of.

Q Did any of your ancestors ever receive any benefits under any other article of the treaty of Dancing Rabbit Creek than article fourteen or under the supplement of that treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States instructed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaw Indians who did in fact signify to him their intention to remain and become citizens. On this account, the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under that fourteenth article. This act on of the government caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of ~~August~~, March, 1837, providing for the appointment of a Commission, whose duty it should be to come down here in Mississippi and hear the cases of Choctaw Indians who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. This Commission was appointed by the President and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed, and a subsequent act approved February 22, 1838, ~~they~~ for their continuance in office, they were unable to dispose of but a comparatively small number of these cases. And it therefore became necessary for Congress to make provisions whereby the remainder of these Choctaws down here might be given hearings. And another act of Congress was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission whose duty it should be to come down here and finish up this work. This second Commission was duly appointed by the President and the Commissioners came down here and heard a great

Eliaser A. Milling-----5.

many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, not that I know anything about.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government he should be entitled to select in lieu thereof land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas from vacant government land, and should be given a certificate to that effect. These certificates were called scrip

Q Did any of your ancestors ever receive any of this scrip from the United States government? A No sir, not that I know of.

Q So far as you know, none of your ancestors then were ever recognized members of the Choctaw tribe of Indians? A No sir.

Q And none of them ever received any benefits as such? A No sir.

Q Did you ever hear that any of your Choctaw ancestors ever received any land here in Mississippi from the government of the United States? A No sir.

Q Did you ever hear of any of them having received any money from the government? A No sir.

Q Did you ever live in Indian Territory? A No sir.

Q Did any of your ancestors ever live there? A Not as I know of.

Q Do you know any one living who would be likely to know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of the existence of any written evidence of any description which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence of any kind you want to offer at this time? A No sir.

Q Have you any witnesses before the Commission now? A No sir, I have no witnesses before the Commission now no more than the witnesses that came before the Commission the first of the month.

Q Who are they? A Mr Ousley and his wife.

Q Who else? A That is the only two I know that came before the Commission.

Q They were witnesses in the Susan J. Tippit case, were they? A Yes sir.

Q Are you any relation to Susan J. Tippit? A I don't know sir, if I am, I don't know it. That is what they claim we are kin to them, but it is so far back that I don't know anything about it.

Q Do you want the testimony of these witnesses considered in your case? A Yes sir.

Q Do you know of any other witnesses you want to introduce? A No sir.

Q Do you want permission to file written evidence in this case later
A I don't know sir of any more evidence I could get up.

You will be allowed a reasonable time in which to file proper

Eliazar A. Milling-----6.

written evidence in support of your application. The Commission would be glad to have you file this evidence within thirty days from this date if convenient to do so. If you should discover any other witnesses whom you desire to have appear before the Commission in person, they may appear before the Commission at its office in Atoka, Indian Territory, and their testimony will be taken.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Are there any further statements you want to make at this time?
A No sir, I don't know as I have.
Q Have you any brothers living? A Yes sir.
Q How many? A Two.
Q What are their names? A Thomas and Robert.
Q Where does Thomas live? A Chilton county.
Q About how old is he? A He is about thirty five years old.
Q Has he been before the Commission? A No sir, I don't think he has.
Q Is he married? A Yes sir.
Q What is his wife's name? A Ida.
Q Have they any children? A Yes sir.
Q How many? A I think they have five.
Q Where does Robert live? A Dallas county, Alabama.
Q How old is he? A He is about forty six, I think.
Q Has he ever been before the Commission? A I don't think he has.
Q Is he married? A Yes sir.
Q What is his wife's name? A Hollie.
Q Have they any children? A Yes sir.
Q How many? A I don't believe I could tell you how many.
Q About how many? A He has got seven or eight I expect.
Q Did you ever have any other brothers? A No sir.
Q Have you any sisters living? A One sister.
Q What is her name? A Sallie Carroll.
Q Where does she live? A Chilton county.
Q About how old is she? A She is about forty three.
Q Has she been married more than once? A No sir.
Q What is her husband's name? A Rube Carroll.
Q Has she been before the Commission? A Yes sir, I think she has.
Q When, do you know? A I think it was in the spring.
Q How many children has she? A I don't believe I could tell for certain how many children she has.
Q Any of them married? A Yes sir, she has one married.
Q What is that child's name? A Ada Wiley.
Q Where does she live? A I don't know whether she lives in Chilton or Birmingham.
Q Has she been before the Commission? A Yes sir.
Q What is her husband's name? A Willie Wiley.
Q Have they any children? A No sir--her husband is Joe Wiley--I had that wrong.
Q Did your mother have any brothers? A Yes sir.
Q How many? A She had four.
Q What are their names? A She had one named Jimmie --I only know two of them--two of them died before I can remember.
Q Did they die in infancy? A No, they died at the time of the war I believe.
Q Did they leave families? A I don't think those two had families.
Q What are the other ones' names? A Eliazar Martin and David Martin.
Q Are either of them living? A David is living.

Kliaser A. Milling-----7

- Q Where does David live? A Ohilton county, Alabama.
Q Has he been before the Commission? A Yes sir.
Q What is his wife's name? A Emerine.
Q Kliaser left a family, did he? A Yes sir.
Q How many children? A Three
Q Are they living? A Yes sir.
Q What are their names? A Willie, Eddie and a girl, Annabelle
Q Is Annabelle married? A Yes sir, I think she is married.
Q Do you know her husband's name? A No sir.
Q Where do these people live? A The two boys I think live in Kentucky and the girl in Texas.
Q How many sisters did your mother have? A I couldn't tell you.
Q Give the names of some of them? A Emily Martin.
Q What is her married name? A Emily Eaves.
Q Where does she live? A Birmingham
Q Now the next one? A Rebecca Eaves.
Q Is she living? A No sir.
Q When did Rebecca die? A She died--it has been some twelve years ago.
Q Did she leave a family? A Yes sir.
Q Is her husband living? A Yes sir.
Q What is his name? A Taylor Eaves.
Q What are the names of their children that are living? A Alonso Eaves, Walton Eaves and Jimmie Eaves.
Q Have any of them been before the Commission? A Not as I know of
Q Are any of them here this morning? A Yes sir, Walton is here this morning and his father is here.
Q For what purpose? A He has one minor child.
Q What is the name of that minor child? A Jimmie.
Q Give us the name of another one of your mother's sisters? A Missouri Campbell.
Q Is she the Margaret Missouri Campbell who has appeared before the Commission today? A Yes sir.
Q Another one? A There is another one by name of Martha Wright.
Q Where does she live? A In Alabama.
Q Has she been before the Commission? A I think she has.
Q Do you know when? A No sir, it was in the summer, I couldn't tell you when; but I think she has been here.
Q Give us the name of another sister of your mother? A I believe that is all I know.

This Applicant has the appearance of being a white man and shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me this the 23rd day of October, 1901.

Walter A. Miller

at Decatur, Mississippi.

L. R. Moody
U.S. Circuit Court, Southern
District of Mississippi.

[Signature] Deputy.

COPY.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Eliaser J. Milling,

Centerville, Ala.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | | | |
|---------------------------------|---|---|---|------|
| Susan J. Tippit, et al., | M | C | R | 203 |
| Alva N. Tippit, et al., | M | C | R | 202 |
| John R. Tippit, et al., | M | C | R | 204 |
| Mary E. Tippit, | M | C | R | 347 |
| Suetta Tippit, | M | C | R | 348 |
| Marion N. McGee, et al., | M | C | R | 1048 |
| James F. McGee, et al., | M | C | R | 1049 |
| Mattie Walker, et al., | M | C | R | 1160 |
| Marion E. Martin, | M | C | R | 1161 |
| David Martin, et al., | M | C | R | 1162 |
| Callie Walker, et al., | M | C | R | 1164 |
| Sallie Carroll, et al., | M | C | R | 1165 |
| Verna Annabel Pierson, et al., | M | C | R | 1176 |
| George F. Martin, et al., | M | C | R | 1182 |
| Malitee Paralee Harris, et al., | M | C | R | 1185 |
| Robert M. Martin, et al., | M | C | R | 1188 |
| Neatie Bozeman, | M | C | R | 1189 |
| Rutherford McDuffey Martin, | M | C | R | 1190 |
| Rotha B. Walker, | M | C | R | 1191 |
| David Moseley Walker, | M | C | R | 2086 |
| Evie Melton, et al., | M | C | R | 2138 |
| Robert F. Williams, et al., | M | C | R | 2245 |
| William H. Williams, | M | C | R | 2246 |
| Mollie Williams, | M | C | R | 2247 |
| Maggie Williams, | M | C | R | 2248 |
| Susan A. B. Terry, et al., | M | C | R | 2325 |
| John H. Martin, et al., | M | C | R | 2326 |
| Joseph P. Martin, | M | C | R | 2327 |
| Ada Wylie, | M | C | R | 2480 |
| William T. Wright, | M | C | R | 2481 |
| Mitchel L. Wright, et al., | M | C | R | 2482 |

| | | | | |
|-----------------------------|---|---|---|------|
| Martha L. Wright, et al., | M | C | R | 2483 |
| James G. Wright, et al., | M | C | R | 2484 |
| Nannie Parnell, et al., | M | C | R | 2493 |
| Thomas M. Martin, | M | C | R | 2501 |
| Robert A. Martin, | M | C | R | 2508 |
| Anna Parnell, et al., | M | C | R | 2637 |
| William S. Eaves, et al., | M | C | R | 3621 |
| Rebecca Lue Hooks, et al., | M | C | R | 3622 |
| Sarah J. Chambers, et al., | M | C | R | 3668 |
| Emily A. Eaves, et al., | M | C | R | 3669 |
| Willie Jowers, | M | C | R | 3670 |
| Annie Atchison, et al., | M | C | R | 3671 |
| William F. Martin, et al., | M | C | R | 3677 |
| Mary J. Tate, et al., | M | C | R | 3678 |
| Eliza Perkerson, | M | C | R | 3679 |
| Ettie Merritt, | M | C | R | 3680 |
| Jesse Z. Eaves, et al., | M | C | R | 3681 |
| Pierson G. W. Hooks, | M | C | R | 3682 |
| Effie Harris, | M | C | R | 3683 |
| Walter Martin, | M | C | R | 3684 |
| James W. Campbell, et al., | M | C | R | 3685 |
| Margaret Missouri Campbell, | M | C | R | 3745 |
| Elijah Campbell, | M | C | R | 3746 |
| Mildred Annett Wallace, | M | C | R | 3747 |
| Eliazer J. Milling, et al., | M | C | R | 3748 |
| James Eaves, | M | C | R | 3749 |
| Walter Eaves, | M | C | R | 3750 |
| David W. Martin, et al., | M | C | R | 3909 |
| Mattie Warner, | M | C | R | 3910 |
| Vesta M. Herod, | M | C | R | 3911 |
| Robert W. Martin, et al., | M | C | R | 4491 |

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beattrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *James Dixby.*

Registered.

Acting Chairman.

47-11-13

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. CLEVELAND
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

H.C.R. 3748

Muskogee, Indian Territory, November 12, 1902.

Eliazer J. Milling,
Centerville, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,



Acting Chairman.

M.C.R. 8748.

Muskogee, Indian Territory, December 21, 1903.

Eliazer J. Milling,
Centerville, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippet, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

E J M-----

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1908, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR-3748

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1907.

Eliaser J. Milling,
Centerville, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself and children is a part.

Respectfully

Commissioner.



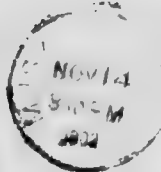
COMMISSIONER

F I

JAN 2 1903

A handwritten signature in dark ink, appearing to be "J. H. [unclear]".

ACTING CHAIRMAN



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

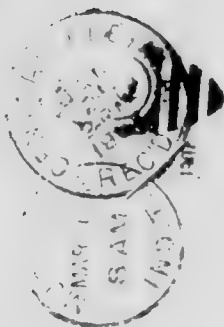
OFFICIAL BUSINESS.

Penalty for private use, \$300.

Eliazer J. Milling,

~~Cantonville~~, Alabama.

Brownington



DEPARTMENT
Commissioner of Education

FILE

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Commissioner.

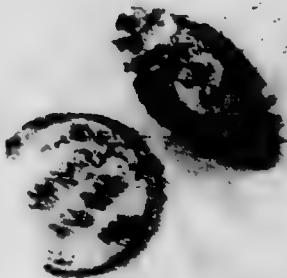
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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.





DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

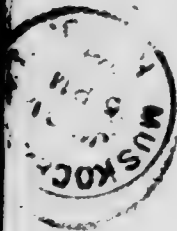
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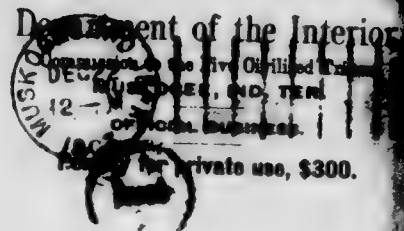
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Eliazer J. Millins,

Conserville, Ala.

Birmingham



#1445

No. 3718

For Identification as a Mississippi Choctaw.

Name ^{Date} Eliazer J. Milling

Age 40 Blood 1/16

Post Office Centerville, Ala

Father Robert Milling d

Mother Mary Ann " d

Claims through ~~the~~ mother
 wife Amanda E Milling L
 (no claim for wife)

Children:

| | | |
|----------------|-------|----|
| Robert Milling | | 14 |
| Johnny | " | 12 |
| Willie | " | 9 |
| Palestine | " (M) | 7 |
| Luella | " | 4 |

(I ... for ...)

me ...

Stenographer

HC Notary

Choctaw MCR 3749

James Eaves

See MCR 203

MCR 3749

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 9, 1901.

In the matter of the application of Taylor Z. Eaves for the identification of his minor son, James Eaves, as a Mississippi Choctaw.

Taylor Z. Eaves, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Taylor Z. Eaves.
Q How old are you? A I was fifty last October.
Q What is your post office address? A Morrisville, Alabama.
Q What county? A Dallas county.
Q For what purpose do you appear before the Commission at this time?
A To make recommendation for a minor son of my wife that claims this Choctaw Indian.
Q You do not claim to have any Choctaw blood yourself? A No sir, not a bit.
Q But you have a minor son of a mother who had Choctaw blood for whom you desire to make application? A Yes sir.
Q What was the name of the mother of this child? A Rebecca --- Josephine Rebecca I think is the full name.
Q What is the name of the child? A James Eaves.
Q How old is he? A He is nineteen years old.
Q Is he living with you now? A Yes sir.
Q How long has this boy lived in Alabama? A Lived there all of his life.
Q He never has been in the Indian Territory? A No sir.
Q When did his mother die? A She has been dead about seventeen or eighteen years I think.
Q How old was she when she died? A She was between thirty and forty somewhere--I couldn't exactly tell you that--I think she was about thirty one.
Q How much Choctaw blood do you claim this boy has? A I guess he has got about one sixteenth.
Q How much did his mother claim? A One eighth I reckon.
Q Did she live in Alabama all of her life? A Yes sir.
Q She never was in Indian Territory? A No sir.
Q Through which one of her parents did she derive her Choctaw blood?
A Her father.
Q What was his name? A James Martin.
Q Did you ever see him? A Yes sir.
Q When did he die? A He has been dead about twenty some odd years.
Q How old a man was he when he died? A I really don't know sir. He was not an old man--he looked to be about fifty five or sixty, some where along there.
Q Did he always live in Alabama? A Yes sir.
Q If he ever lived anywhere else you never heard of it? A No sir, never heard of it.
Q You claim he had one quarter Choctaw blood? A Yes sir, that is what they say.
Q When did you first hear that your wife had Choctaw blood? A I have heard her talk about her people, but I never heard her say anything about that blood which was attached to her at all. Of course I married her when she was young and she never did talk about it.

Taylor E. Hayes-----.

- Q You didn't know she had Choctaw blood until the last few weeks?
- A No sir, I don't know as I did.
- Q What was the name of your wife's mother? A Eliza.
- Q She was a white woman? A Yes sir.
- Q Had no Choctaw blood? A No sir.
- Q Do you know whether James and Eliza were lawfully married? A Of course, I don't know nothing about that---they had grown children when I formed acquaintance with them.
- Q How many children did they have? A I reckon there were about six or eight of them, somewhere along there.
- Q Do you know through which one of his parents James Martin got his Indian blood? A I think he got it from his mother.
- Q Did you know her? A No sir, I don't know nothing of her--no other than the Martins her father's brothers.
- Q Do you know what the mother of James Martin was named? A I think her name was Martha.
- Q What was her maiden name? A Moore, I think.
- Q That is just from hearsay you have understood that? A Yes, that is all I could tell you.
- Q Do you know where Martha Moore lived or anything about her? A No sir.
- Q James Hayes, for whom you appear at this time, is the son of yourself and Josephine Rebecca Hayes, now deceased? A Yes sir.
- Q He is living with you at this time? A Yes sir.
- Q And single? A Yes sir.
- Q This application then is simply for your minor son? A Yes sir.
- Q Is the name of this minor son to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you or any one for him make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of that tribe? A No sir.
- Q Did any one in the year 1896 make application in behalf of this minor son of yours for him to be admitted to citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.
- Q Has he ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Has any other application besides this one you are making today ever been made for him at any time? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming land for this minor son in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article? A Yes sir.
- Q You have heard it explained here several times this morning? A Yes sir.
- Q Did any of the ancestors of this minor son of yours ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A I never knew.
- Q Were any of the ancestors of this minor son of yours living here in the Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I knew of.
- Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A Not as I knew of.
- Q Did any of them own any improvements here at that time? A Not as I knew of.

Taylor & Hayes-----3.

Q Did any of his ancestors remove from the old Choctaw Nation here in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as ever I knowed of.

Q Did any of his ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the agent of the government here in Mississippi for the Choctaws their intention to remain in Mississippi and become citizens of the states? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the government of the United States under the provisions of any other article of that treaty or under the supplement? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states under that article. The records of the government show that this agent failed to register and report to the government the names of many Indians who did in fact signify to him their intention to remain and become citizens of the states, and on this account the government at its public land sales in many instances sold land upon which the Choctaws lived and had improvements and which they supposed they would receive under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. This action of the government in selling the land on which the Choctaws lived and had improvements and which they supposed they would receive under that treaty caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to proceed to Mississippi and hear cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here and heard a few of these cases, but in the time allowed to them under the act of Congress by which they were appointed, and by a subsequent act approved February 22, 1838, continuing them in office, they were unable to dispose of but a comparatively small number of these cases; and it therefore became necessary for Congress to make provision whereby the cases of the remainder of these Indians might be heard; and Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the work of hearing these cases. This second Commission was duly appointed by the President, and the Commissioners came down here and heard a great many more of these cases.

Q Did any of the ancestors of this minor son of yours appear before

Taylor E. Hayes-----4.

either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know that they did.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in lieu thereof land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas from vacant government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of the ancestors of this minor son ever receive any scrip under this act of Congress? A Not as I know of.

Q So far as you know none of his ancestors were ever recognized members of the Choctaw tribe of Indians? A No sir.

Q And none of them ever received any benefits as such? A No sir, none as ever I heard of.

Q None of them ever lived in Indian Territory? A No sir.

Q You never heard of any of them getting any land or money from the government here in Mississippi? A No sir.

Q Have you any witnesses here today that you want to introduce in support of this application? A No sir.

Q Do you know of any one living who would likely be informed as to whether any of his ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of the existence of any written evidence which would show or tend to show that any of his ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence you want to offer at this time in support of this application? A No sir.

Q Do you want permission to offer written evidence later? A Yes sir.

You will be allowed a reasonable time in which to file written evidence in support of this application. The Commission would be glad to have you submit such written evidence as you care to offer within a period of thirty days from this date. If you should discover any witnesses whom you desire to have appear in person before the Commission they may appear before the Commission at its office in Atoka, Indian Territory, within a reasonable time, and their testimony will be taken.

Q Are any of the brothers or sisters of this boy living? A Yes sir.

Q How many? A Two brothers.

Q What are their names? A Alonzo Hayes and Walton Hayes.

Q They are full brothers? A Yes sir.

Q Have either of them been before the Commission? A No sir.

Q Are either of them here today? A Yes sir, Walton Hayes.

Q He has no sister? A No sir.

Q Are any of the sister's of this boy's mother living? A Yes sir.

Taylor E. Hayes-----5.

- Q How many? A There are four or five of them, I think.
Q What are their names? A One is named Martha Wright, then Betty
Hayes, and Missouri Campbell, the lady that was here today.
Q Are any of her brothers living? A One, David Martin.
Q Did she ever have any other brothers? A Yes sir.
Q What were their names? A The oldest brother was Jimmie, but he
is dead, and the others were Robert and Miaser--they are all dead.
Q Did she ever have any other sisters? A Yes sir.
Q What were their names? A Mary Higglecomb, her first husband was
Milling, and Susan Hooks.
Q Are there any further statements you want to make at this time?
A No sir, I don't know that there is.

H. C. Risteen, having been first duly sworn, upon his oath states:
That as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings had in the above entitled cause
on the 9th day of October, 1901, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes of
said proceedings on said date.

H. C. Risteen
Subscribed and sworn to before me this the 23rd day of October, 1901,
at Decatur, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *J. Martin* Deputy.

COPY.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

James Raven,

Morrowville, Ala.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | | | |
|---------------------------------|---|---|---|------|
| Susan J. Tippit, et al., | M | C | R | 203 |
| Alva N. Tippit, et al., | M | C | R | 202 |
| John R. Tippit, et al., | M | C | R | 204 |
| Mary E. Tippit, | M | C | R | 347 |
| Suetta Tippit, | M | C | R | 348 |
| Marion N. McGee, et al., | M | C | R | 1048 |
| James F. McGee, et al., | M | C | R | 1049 |
| Mattie Walker, et al., | M | C | R | 1160 |
| Marion E. Martin, | M | C | R | 1161 |
| David Martin, et al., | M | C | R | 1162 |
| Callie Walker, et al., | M | C | R | 1164 |
| Sallie Carroll, et al., | M | C | R | 1165 |
| Verna Annabel Pierson, et al., | M | C | R | 1176 |
| George F. Martin, et al., | M | C | R | 1182 |
| Malitee Paralee Harris, et al., | M | C | R | 1185 |
| Robert M. Martin, et al., | M | C | R | 1188 |
| Neatie Bozeman, | M | C | R | 1189 |
| Rutherford McDuffey Martin, | M | C | R | 1190 |
| Rotha B. Walker, | M | C | R | 1191 |
| David Moseley Walker, | M | C | R | 2086 |
| Evie Melton, et al., | M | C | R | 2138 |
| Robert F. Williams, et al., | M | C | R | 2245 |
| William H. Williams, | M | C | R | 2246 |
| Mollie Williams, | M | C | R | 2247 |
| Maggie Williams, | M | C | R | 2248 |
| Susan A. B. Terry, et al., | M | C | R | 2325 |
| John H. Martin, et al., | M | C | R | 2326 |
| Joseph P. Martin, | M | C | R | 2327 |
| Ada Wylie, | M | C | R | 2480 |
| William T. Wright, | M | C | R | 2481 |
| Mitchel L. Wright, et al., | M | C | R | 2483 |

| | | | | |
|-----------------------------|---|---|---|------|
| Martha L. Wright, et al., | M | C | R | 2483 |
| James G. Wright, et al., | M | C | R | 2484 |
| Nannie Parnell, et al., | M | C | R | 2493 |
| Thomas M. Martin, | M | C | R | 2501 |
| Robert A. Martin, | M | C | R | 2508 |
| Anna Parnell, et al., | M | C | R | 2637 |
| William S. Eaves, et al., | M | C | R | 3621 |
| Rebecca Lue Hooks, et al., | M | C | R | 3622 |
| Sarah J. Chambers, et al., | M | C | R | 3668 |
| Emily A. Eaves, et al., | M | C | R | 3669 |
| Willie Jowers, | M | C | R | 3670 |
| Annie Atchison, et al., | M | C | R | 3671 |
| William F. Martin, et al., | M | C | R | 3677 |
| Mary J. Tate, et al., | M | C | R | 3678 |
| Eliza Perkerson, | M | C | R | 3679 |
| Ettie Merritt, | M | C | R | 3680 |
| Jesse Z. Eaves, et al., | M | C | R | 3681 |
| Pierson G. W. Hooks, | M | C | R | 3682 |
| Effie Harris, | M | C | R | 3683 |
| Walter Martin, | M | C | R | 3684 |
| James W. Campbell, et al., | M | C | R | 3685 |
| Margaret Missouri Campbell, | M | C | R | 3745 |
| Elijah Campbell, | M | C | R | 3746 |
| Mildred Annett Wallace, | M | C | R | 3747 |
| Eliazer J. Milling, et al., | M | C | R | 3748 |
| James Eaves, | M | C | R | 3749 |
| Walter Eaves, | M | C | R | 3750 |
| David W. Martin, et al., | M | C | R | 3909 |
| Mattie Warner, | M | C | R | 3910 |
| Vesta M. Herod, | M | C | R | 3911 |
| Robert W. Martin, et al., | M | C | R | 4491 |

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-
man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton,
Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie
Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan
A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma
M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-
tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha
L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie
Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-
lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell,
William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue
Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-
vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, William F.
Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza
Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W.
Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G.
Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett
Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling,
Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L.
Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega
Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I.
Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands un-
der the provision of law above quoted, and that the applications for their identification as such
should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above
quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that
the application made by Susan J. Tippit for the identification of her husband, James A. Tippit,
the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the
application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-
ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in
this case to the Secretary of the Interior for review and you will be informed in due time of
such action as may be taken by him.

Yours truly,

SIGNE L. *Samuel D. Doby.*

Registered.

Acting Chairman.

COPY.

H. D. R. 3749

Washington, Indian Territory, November 12, 1902.

James Hayes,

Morrowville, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 31st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

Yours,

James H. H. H.

Acting Chairman.

Muskogee, Indian Territory, December 21, 1902.

James Eaves,

Morrowville, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1902, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippet, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

J B

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. H. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

M.C.R. 3749.

Muskogee, Indian Territory, December 21, 1903.

James Eaves,

Morrowville, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1903, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

3749

MCR-3749

COPY

Muskogee, Indian Territory, January 17, 1907.

James Eaves,
Morrowville, Alabama.

Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

Wm. Bixby.

Commissioner.

3749

For Identification as a Mississippi Choctaw.

Date OCT 9 1901

Name *Taylor J. Eaves*
for *James Eaves*
Age *50* Blood

Post Office, *Morrowville, Ala.*

Father:

Mother:

Claims through

Children:

James Eaves (1/2) 19

Josephine
mother, *Rebecca Eaves, 1/8 (dece.)*

(Claims for his minor
son James Eaves.)

Stenographer

H. H. Hester

Choctaw MCR 3750

Walter Eaves

See MCR 203

MCR 3750

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 9, 1901.

In the matter of the application of Walter Hayes for identification as a Mississippi Choctaw.

Walter Hayes, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Walter Hayes.
Q How old are you? A Twenty one last April.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q What is your post office address? A Morrowville, Alabama.
Q How long have you lived at Morrowville? A Eighteen years.
Q Where did you live before that? A I have lived in Mississippi for the last three years--I came back in July.
Q You went back to Morrowville in July last? A Yes sir.
Q You have lived in the states of Alabama and Mississippi all of your life? A Yes sir.
Q You never have been in Indian Territory? A No sir.
Q Is your father living? A Yes sir.
Q What is his name? A Taylor Z. Hayes.
Q Has he any Choctaw blood? A Not that I know of.
Q Is your mother living? A No sir.
Q What was her name? A Josephine Rebecca.
Q Did she have any Choctaw blood? A Yes sir.
Q How much? A One eighth.
Q Did she always live in the state of Alabama? A As far as I know
Q Was she ever in Indian Territory? A Not that I know of.
Q She was never recognized or enrolled as a member of the Choctaw tribe out there? A No sir, not that I knew of.
Q Through which one of her parents did she derive her Choctaw blood?
A From her father.
Q What was his name? A James Martin.
Q How much Choctaw blood did he have? A One quarter I guess.
Q Where did he live? A Chilton county.
Q Alabama? A Yes sir.
Q How long did he live there? A I don't know.
Q Do you know where he was born? A No sir.
Q Was he ever in Indian Territory? A Not that I know of.
Q What was your mother's mother's name? A Eliza.
Q Did you ever see her? A I saw her when I was small.
Q Did she have any Choctaw blood? A No sir, not that I know of.
Q Do you know whether she and your mother's father were lawfully married? A I guess so.
Q Do you know about that? A No sir.
Q Through which one of his parents did James Martin get his Choctaw blood? A His mother.
Q What was her name? A I don't know.
Q You do not know the names of any of your ancestors farther back than your grandfather? A No sir.
Q Her anything about where they lived or anything else about them?
A No sir.
Q Are you married? A No sir.
Q This application then is for yourself only? A Yes sir.

Walter Hayes-----2.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I knew of.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of that tribe? A No sir.

Q Did any one else ever make such an application for you? A No sir, not that I knew of.

Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No, sir.

Q Have you ever made any application of any description prior to this time, or has any one else ever made such an application for you? A Not that I knew of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q You understand that article, do you not? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions? A No sir, not that I knew of.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I knew of.

Q Did any of them own any improvements on land here at that time? A No sir, not that I knew of.

Q Were any of them recognized members of the Choctaw tribe here at that time? A No sir, not that I knew of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1835? A Not that I knew of.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the states? A Not that I knew of.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not that I knew anything about.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek or under the supplement of that treaty? A Not that I knew of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states under that article. The re-

Walter Hayes-----3.

cord of the government show that that agent failed to register and report to the government the names of many Indians who did in fact signify to him their intention to remain here and become citizens, and on this account the government at its public land sales in many instances sold land upon which the Choctaws lived and had improvements, and which they supposed they would receive from the government under that fourteenth article. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission whose duty it should be to come to Mississippi and hear cases of Choctaws who might claim that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here and heard a few of these cases, but in the time allowed them by the act of Congress under which they were appointed, and a subsequent act approved February 23, 1838, providing for their continuance in office, they were unable to dispose of but a comparatively small number of cases, and it became necessary for Congress to make provisions whereby the remainder of these Choctaws might be heard; and another act was passed and approved August 23, 1842, providing for another Commission to come to Mississippi and finish up the hearing of these cases. This second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in lieu thereof land in Mississippi or in Alabama, Louisiana or Arkansas from vacant government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States government under that act of Congress? A Not that I know of.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A Not that I know anything about.

Q Or did any of them ever receive any benefits as such? A No sir, not that I know of.

Q Do you know of any person living who would likely be informed as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or

Walter Hayes-----4.

attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence of any kind you want to offer at this time? A No sir.

Q Do you want to offer some later? A I don't know as I will.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission will be glad to have you offer such evidence within a period of thirty days from this date if it is possible for you to do so. If you should find witnesses whom you desire to introduce before the Commission, they may appear before the Commission at its office in Ateka, Indian Territory, within a reasonable time, and their testimony will be taken.

- Q Do you speak or understand the Choctaw language? A No sir.
Q You have no witnesses here today? A No sir.
Q Are there any farther statements you want to make? A No sir.
Q Have you any brothers living? A Yes sir, I have two living.
Q What are their names? A Alonzo and Jimmie.
Q How old is Alonzo? A He is about twenty four.
Q Has he been before the Commission? A No sir.
Q Where does he live? A He lives in Birmingham.
Q Has any application been made for Jimmie? A Yes, I think my father made application for him.
Q Today? A Yes sir.

This applicant has the appearance of being a white person and shows no indications of being possessed of Indian blood. He has light hair and eyes and a fair complexion. He does not speak or understand the Choctaw language.

H.C. Hirsten, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

H.C. Hirsten
L. P. Massey
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *J. Smith* Deputy.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Walter Laves,

Morrowville, Ala.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | | | |
|---------------------------------|---|---|---|------|
| Susan J. Tippit, et al., | M | C | R | 203 |
| Alva N. Tippit, et al., | M | C | R | 202 |
| John R. Tippit, et al., | M | C | R | 204 |
| Mary E. Tippit, | M | C | R | 347 |
| Suetta Tippit, | M | C | R | 348 |
| Marion N. McGee, et al., | M | C | R | 1048 |
| James F. McGee, et al., | M | C | R | 1049 |
| Mattie Walker, et al., | M | C | R | 1160 |
| Marion E. Martin, | M | C | R | 1161 |
| David Martin, et al., | M | C | R | 1162 |
| Callie Walker, et al., | M | C | R | 1164 |
| Sallie Carroll, et al., | M | C | R | 1165 |
| Verna Annabel Pierson, et al., | M | C | R | 1176 |
| George F. Martin, et al., | M | C | R | 1182 |
| Malitee Paralee Harris, et al., | M | C | R | 1185 |
| Robert M. Martin, et al., | M | C | R | 1188 |
| Neatie Bozeman, | M | C | R | 1189 |
| Rutherford McDuffey Martin, | M | C | R | 1190 |
| Rotha B. Walker, | M | C | R | 1191 |
| David Moseley Walker, | M | C | R | 2086 |
| Evie Melton, et al., | M | C | R | 2138 |
| Robert F. Williams, et al., | M | C | R | 2245 |
| William H. Williams, | M | C | R | 2246 |
| Mollie Williams, | M | C | R | 2247 |
| Maggie Williams, | M | C | R | 2248 |
| Susan A. B. Terry, et al., | M | C | R | 2325 |
| John H. Martin, et al., | M | C | R | 2326 |
| Joseph P. Martin, | M | C | R | 2327 |
| Ada Wylie, | M | C | R | 2480 |
| William T. Wright, | M | C | R | 2481 |
| Mitchel L. Wright, et al., | M | C | R | 2482 |

| | | | | |
|-----------------------------|---|---|---|------|
| Martha L. Wright, et al., | M | C | R | 2483 |
| James G. Wright, et al., | M | C | R | 2484 |
| Nannie Parnell, et al., | M | C | R | 2493 |
| Thomas M. Martin, | M | C | R | 2501 |
| Robert A. Martin, | M | C | R | 2508 |
| Anna Parnell, et al., | M | C | R | 2637 |
| William S. Eaves, et al., | M | C | R | 3621 |
| Rebecca Lue Hooks, et al., | M | C | R | 3622 |
| Sarah J. Chambers, et al., | M | C | R | 3668 |
| Emily A. Eaves, et al., | M | C | R | 3669 |
| Willie Jowers, | M | C | R | 3670 |
| Annie Atchison, et al., | M | C | R | 3671 |
| William F. Martin, et al., | M | C | R | 3677 |
| Mary J. Tate, et al., | M | C | R | 3678 |
| Eliza Perkerson, | M | C | R | 3679 |
| Ettie Merritt, | M | C | R | 3680 |
| Jesse Z. Eaves, et al., | M | C | R | 3681 |
| Pierson G. W. Hooks, | M | C | R | 3682 |
| Effie Harris, | M | C | R | 3683 |
| Walter Martin, | M | C | R | 3684 |
| James W. Campbell, et al., | M | C | R | 3685 |
| Margaret Missouri Campbell, | M | C | R | 3745 |
| Elijah Campbell, | M | C | R | 3746 |
| Mildred Annett Wallace, | M | C | R | 3747 |
| Eliazer J. Milling, et al., | M | C | R | 3748 |
| James Eaves, | M | C | R | 3749 |
| Walter Eaves, | M | C | R | 3750 |
| David W. Martin, et al., | M | C | R | 3909 |
| Mattie Warner, | M | C | R | 3910 |
| Vesta M. Herod, | M | C | R | 3911 |
| Robert W. Martin, et al., | M | C | R | 4491 |

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trel Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,

Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Mar-tin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin, Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands un-der the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tame Bixby.*

Registered.

Acting Chairman.

COPY

M C R 3750

Muskogee, Indian Territory, November 12, 1902.

Walter Hayes,

Morrewille, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

(SIGNED)

James E. Kirby
Acting Chairman.

M.C.R.3750.

Muskogee, Indian Territory, December 21, 1903.

Walter Baves,

Morrowville, Alabama.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippet, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 28, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

V E—S

ment now directs the Commission to notify you that if you wish to take any further action relative to the motion filed by W. M. Springer, on March 24, 1908, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

COPY

MOR-3760

Muskogee, Indian Territory, January 17, 1907.

Walter Daves,
Morrowville, Alabama.

Dear Sir:

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippit et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

No. 8474

For Identification as a Mississippi Choctaw.

Date OCT 9 1901

Name *Walter Eavrs*

Age *21* Blood *1/16*

Post Office, *Morrowville, Ala*

Father: *Taylor Eavrs* *L*

Stephen
Mother: *Rebecca Eavrs* *d*

Claims through *mother*

Children:

(None are living.)

Stenographer

A. L. Risteen

Choctaw MCR 3751

. Lucy Myers

See MCR 3215

MCR 3751

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, October 10, 1901.

In the matter of the application of Ida Myers for the
identification of her three minor children as Mississippi Choctaws.

Ida Myers, having been first duly sworn, upon her oath
testified as follows:

Examination by the Commission.

- Q What is your name? A Ida Myers.
Q What is your age? A Twenty nine.
Q What is your post office address? A Here.
Q Meridian, Mississippi? A Yes sir.
Q For what purpose do you appear before the Commission at this
time? A I appear here for the purpose of making application for my
three minor children as Mississippi Choctaws.
Q You have no Choctaw blood yourself? A No sir.
Q And make no claim for yourself? A No sir.
Q How long have you lived in this State? A All my life.
Q What are the names of these children for whom you make applica-
tion? A Girl named Lucy, boy named Albert.
Q The next one? A Laura.
Q How old is Lucy? A Her and the boy are the same age, seven
years old the 15th of November.
Q How old is Laura? A She is about four.
Q Are these children living with you now? A They are not right
here with me; they are in the country with my mother, but I got
her --
Q They are under your charge and direction? A Yes sir, I supports
them.
Q What is the name of their father? A Alonzo Myers.
Q He is the father of all of them? A Yes sir.
Q And you are the mother of all of them? A Yes sir.
Q They get their Choctaw blood through Alonzo Myers? A Yes sir.
Q When did he die? A He has been dead three years last March.
Q How much Choctaw blood did he have? A Well, I don't know sir.
Q Don't you have any idea? A No sir, I do not.
Q You, then, don't know how much Choctaw blood these children have?
A No sir.
Q How old was Alonzo when he died? A Thirty one.
Q Did he always live in the State of Mississippi? A No sir.
Q Where did he live besides here? A He lived at - I have forgot the
name of the place; he came here though.
Q In what State did he live besides Mississippi? A I can't think
of the name of the place; down the road somewhere.
Q How long did he live outside of this State? A I don't know sir.
Q These children have always lived in this State? A Yes sir, born
here.
Q Do you know the name of Alonzo's father? A Yes sir.
Q What was it? A Patrick Myers.

Ida Myers for her children 2.

- Q Is he living? A Yes sir.
- Q How old is he? A I don't know.
- Q Has he any Choctaw blood? A Yes sir, that's what they say.
- Q How much? A I don't know anything about how much.
- Q How long has he lived in the State of Mississippi? A Lived here ever since I knowed him.
- Q You don't know where he lived before you knew him? A No sir.
- Q How long have you known him? A Been knowing him all my life; ever since I have been any size.
- Q Do you know the name of Alonzo's mother? A Yes sir.
- Q What was her name? A Laura Myers.
- Q Did she have any Choctaw blood? A Not that I knows of.
- Q Through which one of his parents, did Patrick get his Choctaw blood? A Through which one of hian?
- Q Yes? Did Patrick's father have Indian blood, or his mother have Indian blood? A His mother, I think.
- Q What makes you think so? A Well, I heard them say so.
- Q What was her name? A Laura.
- Q Patrick's mother? A Named Lucy.
- Q Did you know her? A Never did see her.
- Q Patrick was a slave, wasn't he? A Yes sir.
- Q His mother was a slave? A I think so.
- Q Do you know where Lucy lived? A No sir.
- Q How old would she be if she were living now? A No sir. I don't know.
- Q Do you know which one of her parents it was who had Choctaw blood? A No sir.
- Q You know nothing about the family further back than that? A No sir.
- Q Is the name of either one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.
- Q Did you, or any one else, ever make any application to the Choctaw tribal authorities in Indian Territory in behalf of either of these children, to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you, or any one else, ever make application to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation for either of these children, in the year 1896, under the Act of Congress approved June 10, 1896? A No sir.
- Q Have either of these children ever been admitted to citizenship in the Choctaw Nation in Indian Territory by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A Well, I don't know what you said.
- Q Have either of them been admitted to citizenship in the Choctaw Nation by the tribal authorities, or the United States authorities? A No sir.
- Q Has any application of any description ever been made before today for either of these children? A No sir.
- Q You appear before the Commission at this time for the purpose of making application for the identification of your three minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the Treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I want you to explain it to me.

Ida Myers for her minor children, 3.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made ~~some~~ the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a portion of which is now occupied by the main body of the Choctaw tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to remove out to the new country, but insisted upon being permitted to remain here, and for the benefit of those who desired to stay here, the fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to be come citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that fourteenth article now? A Yes, sir; I reckon.

Q Did any of the ancestors of these children ever comply or attempt to comply with the provisions of that fourteenth article, or ever receive any benefits thereunder? A Not as I knows of.

Q Were any of the ancestors of these children living in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I don't know sir.

Q Did any of them own an improvement here at that time? A Not as I knows of.

Q Were any of them recognized members of the Choctaw tribe here at that time? A Not as I knows of.

Q Did any of the ancestors of these children ever remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know sir.

Q Did any of the ancestors of these children, within six months

Ida Myers for her minor children 4.

after the treaty of Dancing Rabbit Creek was ratified, signify to the agent of the Government here in Mississippi for these Indians, their intention to remain and become citizens of the States? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did any of them ever claim or receive any land here in Mississippi from the United States Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement to that treaty? A Not as I know of.

In accordance with the provisions of article fourteenth of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States. The records of the Government show that that agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States. On this account, the Government, at its public land sales, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the Government under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. This action of the Government in selling the lands the Indians lived on caused a great deal of complaint among them, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission, whose duty it should be to come down here to Mississippi and hear the cases of such Choctaw Indians as claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President and the commissioners came down here to Mississippi and heard a few of these cases, but in the time allowed them by the Act of Congress under which they were appointed, and a subsequent act approved February 22nd, 1838, providing for the continuance of the work, they were unable to dispose of but comparatively a small number of these cases, and it became necessary, therefore, for Congress to make further provision whereby the remainder of these Indians might be given a hearing, and another Act was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of a second commission whose duty it should be to come down here and finish up this work. This second commission was duly appointed by the president, and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of the ancestors of these children appear before either of these commissions and attempt to establish their rights as Choctaw Indians under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Ida Myers for her minor children, 5.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land in lieu thereof elsewhere in Mississippi, or Louisiana, or Alabama or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of the ancestors of these children ever receive any of this scrip under this Act of Congress? A No sir, not as I know of.
- Q So far as you know, were any of the ancestors of these children ever recognized members of the Choctaw tribe of Indians? A Yes sir.
- Q They were? A No sir.
- Q So far as you know, did any of the ancestors of these children ever receive any benefits as Choctaw Indians? A No sir.
- Q None of them ever got any land here in Mississippi from the Government? A No sir.
- Q None of them ever got any money from the Government? A No sir.
- Q Do you know anyone living who would likely know as to whether any of the ancestors of these children ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
- Q Do you know of the existence of any written evidence which would show or tend to show that any of the ancestors of these children ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.
- Q Have you any written evidence you want to offer to-day? A No sir.
- Q Have you any witnesses before the Commission to-day? A No sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of this application. We will be glad, however, if you will file this in thirty days if possible. If you find any witnesses whom you desire to have appear in person before the Commission, they may appear within a reasonable time before the Commission at Atoka, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make? A No sir.
- Q Are any of the brothers of your husband living? A Yes sir.
- Q How many? A Three.
- Q What are their names? A Robert, Banks and Marshall.
- Q Did he ever have any other brothers? A Yes sir.
- Q What was that other brother's name? A Alonzo Myers.
- Q Is that your husband's brother? A Yes sir.
- Q I thought your husband was named Alonzo himself? A Do you mean my husband have any other brothers?
- Q That's what I said? A No sir, he didn't have any other brothers that I know of.
- Q Are any of the sisters of your husband living? A Yes sir, two.
- Q What are their names? A Lula Larkins, Jerusha Myers.
- Q Did he ever have any other sisters? A Yes sir.
- Q How many? A One.
- Q Is that sister living? A No sir.

Ida Myers for her children, 6.

Q How old was she when she died? A I don't know sir.

Q Was she grown? A Yes sir.

Q Leave a family? A Left a husband.

Q Didn't leave any children? A No sir.

R. S. Street, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi on the tenth day of October nineteen hundred and one, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Street

Subscribed and sworn to before me this the 23rd day of October, 1901, at Denham, Mississippi.

L. B. Mosely

Clerk U. S. Circuit Court, Southern District of Mississippi.

By *J. M. M.* Deputy.

COPY.

M.C.R. 3751

Muskogee, Indian Territory June 17, 1902.

Lucy Myers,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 10th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Patrick Myers, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------|--------------|
| Patrick Myers, et al., | M.C.R. 3215 |
| Banks Myers, | M.C.R. 3753 |
| Lula Larkins, et al., | M.C.R. 3754 |
| Lucy Myers, et al., | M.C.R. 3751. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Patrick Myers, Marshall Myers, Terusha Myers, Banks Myers, Lula Larkins, Lillian Larkins, Adeline Larkins, Lucy Myers, Albert Myers and Laura Myers, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

L. H. #8

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Registered.

Commissioner in Charge.

3751
M.C.R. 1341.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Lucy Myers,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Patrick Myers, et al., of which decision you were advised by registered mail on the 17th day of June, 1902.

Yours truly,

SIGN-

Tams Dixby.
Acting Chairman.



1902



3751



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKEGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Lucy Myers,

Meridian,

Mississippi.

#1448

No. 3751

For Identification as a Mississippi Choctaw.

Date

OCT 1 1901

Name

Ida Myers

for her 3 minor children.

Age

29

Blood

Post Office,

Meridian, Miss.

Father:

Mother:

Claims through

(Claims for 3 minor
children.)

Children:

Lucy Myers

Albert

Laura

Father Alonzo Myers

7

7

4

don't and
d

R. S. Street

Choctaw MCR 3752

Willie Coleman

See MCR 1781

MCR 3752

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, October 10, 1901.

In the matter of the application of Willie Coleman for
identification as a Mississippi Choctaw.

Willie Coleman, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Willie Coleman.
Q How much Choctaw blood have you? A 5/8.
Q How old are you? A 21.
Q What is your post office address? A Meridian, Mississippi.
Q You have not been before the Commission before? A No sir.
Q How long have you lived in Lauderdale County? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Ed Coleman.
Q Has he any Choctaw blood? A Yes sir.
Q How much? A 7/16.
Q Is your mother living? A Yes sir.
Q What is her name? A Harriet.
Q Has she any Choctaw blood? A Yes sir.
Q How much? A Half.
Q Where do your parents live? A Here in Town.
Q How long have they lived here? A For a long time.
Q Do you know where they lived before you were born? A Down here
at Stonewall.
Q How long did they live there? A That's where they married at.
Q Where did they live before they were married? A My mother was
raised there at Stonewall.
Q What county? A Clark County.
Q Do you know where your father was raised? A No sir, I don't know.
He was bred and born in Natches, Mississippi, and he left there and
went to Richmond, Virginia, I think it was, and come back.
Q Do you know how long he stayed in Richmond? A They carried him
from Natches when he was a little boy, about seven years old, and he
stayed there until he got to be a young man, he said. He wasn't
of age, but about eighteen years old, he said.
Q Your father and mother were both slaves? A Yes sir.
Q How old is your father now? A He is 93 years old.
Q How old is your mother? A 56.
Q Through which one of his parents did your father get his Choctaw
blood? A His mother.
Q How much did she have? A She was half Indian, because her father
was whole Injun.
Q What is your father's mother's name? A Tyra Ann.
Q Tyra Ann what? A I don't know.
Q She was a slave was she not? A No sir, she wasn't a slave.
Q What was the other half, white or negro? A I think it was
white. I think that's the way it goes.

Willie Coleman, 2.

- Q Where did she live during her life time? A In Natchez.
- Q What was your father's father's name? A I don't know sir.
- Q What was the name of the father of your father's mother? A John Injun.
- Q What was the name of the mother of your father's father? A I don't know, sir; I have heard her name called, but I have forgot it.
- Q Did she get her Choctaw blood through her father or mother? A Got it from her father.
- Q Did John Injun have any Choctaw name? A No sir, that's all they called him. They said everybody called him John Injun.
- Q Do you know where he lived? A No sir.
- Q Do you know whether he was lawfully married to your grand mother's mother? A No sir, I don't know.
- Q Through which one of her parents did your mother get her Choctaw blood? A Her mother and father.
- Q Both of them? A Yes sir.
- Q What was her father's name? A Hayward Brown.
- Q What was her mother's name? A Cherry Brown.
- Q They were both slaves, were they? A Yes sir.
- Q How old would they be if they were living now? A My grand mother is already living; I don't know how old she is.
- Q About how old? A She is pretty aged; all of her children is grown.
- Q Give us an idea of how old she is? A She is about eighty five.
- Q Now, was your mother's father older than she, or younger?
- A Younger than she was.
- Q Did they live in Mississippi all their lives? A Yes sir, lived right here in Mississippi; raised right up here in - I forget the name of the place; not far from Enterprise.
- Q Do you know the names of their parents? A No sir.
- Q Know nothing whatever further back than your grand parents on your mother's side? A No sir.
- Q Are you married? A No sir.
- Q This application is for yourself only then? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A I don't know sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe?
- A No sir.
- Q Did any one else ever make such an application for you? A No sir, if they did I don't know anything about it.
- Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation, Indian Territory, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever made any application of any description prior to to-day to be admitted or enrolled as a citizen of the Choctaw Nation?
- A No sir.
- Q Have either of your parents ever been admitted to citizenship in, or recognized members of the Choctaw tribe of Indians? A No sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek?
- A I don't know sir.

Willie Coleman, 3.

Q You don't understand that fourteenth article? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. The object of that treaty was to secure the removal of the Indians from the country occupied by them here in Mississippi and Alabama to the present Choctaw Nation, Indian Territory. At the time this treaty was made some of the Indians were unwilling to remove to that new country, but insisted that they be permitted to remain here, and for the benefit of those who preferred to remain here, this fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes sir, I understand that.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article? A I don't know sir.

Q Were any of your ancestors living in the old Choctaw Nation here at the time this treaty was made? A Yes sir.

Q Where? A They was living in Clark County.

Q Who of your ancestors was living here then? A That was before I was born; I don't know anything about it; I heard they did.

Q Who did you hear was living here at that time? A Well, my grand mother's father; and my grand father's father. They was all raised down here in Clark County.

Q Did any of them own an improvement here at that time? A No sir, not that I knows of.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know about that.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir, I don't know.

Willie Coleman, 4.

Q Did any of your Choctaw ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, signify to the United agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know sir.

Q Did any of them ever claim or receive any land here in Mississippi from the United States Government under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever receive any land here in Mississippi from the United States Government under the provisions of any other article of that treaty than the 14th article, or under the supplement to that treaty? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States under that 14th article. The records of the Government show that that agent failed to register and report to the Government the names of many Indians who did in fact signify to him their intention to remain here, and on this account, at the public land sales, the Government, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the provisions of this fourteenth article. This action of the Government in selling the lands caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission, whose duty it should be to come to Mississippi and hear the cases of Choctaws who might claim that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government; this commission was duly appointed by the President, and the Commissioners came down here to Mississippi and heard a few of these cases, but in the time allowed them by the Act of Congress under which they were appointed, and a subsequent act approved February 22nd, 1838, by which this commission was continued, they were unable to dispose of but a comparatively small number of these cases, and it, of course, became necessary for Congress to make further provisions whereby the remainder of these Choctaws might be given a hearing, and another Act of Congress was therefore passed, which was approved on the 23rd day of August, 1842, providing for the appointment of another commission, whose duty it should be to come here to Mississippi and hear the cases of Choctaws who claimed that they had complied with this treaty provision, but that their land had been sold by the Government. This commission was duly appointed by the President, and the commissioners came down here and heard a great many more of these cases.

Willie Coleman, 5

Q Did any of your ancestors appear before either one of the se commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select land elsewhere in Mississippi, Louisiana, Alabama or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A No sir.

Q So far as you know, were any of your Choctaw ancestors ever recognized members of the Choctaw tribe? A No sir.

Q Did any of them ever receive any benefits as Choctaw Indians? A No sir.

Q Did any of them ever receive any money from the Government? A No sir.

Q Do you know of anyone living who would be likely to know whether any of them ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.

Q Have you any written evidence of any description, or do you know of the existence of such, showing that any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.

Q Have you any written evidence of any kind to offer? A Yes sir.

The affidavits of Daniel Green and Isaac Davis are offered by applicant, identified as Exhibits "A and B" respectively, filed and made a part of the record in this case.

Q Have you any witnesses hereto-day? A No sir.

You will be allowed a reasonable time in which to offer such further evidence as you may see fit to offer, but in case you should care to introduce any further written evidence, the Commission would be glad to have you file it in thirty days from this date, if possible. If you find any witnesses whom you desire to have appear in person before the Commission, they may appear before the Commission at its office in Atoka, Indian Territory in a reasonable time, and their testimony will be taken.

Q Have you any brothers living? A Yes sir.

Q Any of them of age? A Yes sir.

Q How many? A One.

Q What is his name? A John Coleman.

Q Is he married? A No sir, he aint married.

Q Has he been before the Commission? A No sir.

Q Have you any other brothers living? A Yes sir, but they are not of age.

Q What are their names? A Hayward and Manuel.

Willie Coleman, 6.

- Q Did you ever have any others? A Got one dead.
Q How old was he when he died? A He was about six months old.
Q Have you any sisters living? A Yes sir.
Q How many? A Elizabeth and Lena.
Q Either of them married? A No sir. Lena is of age; she has been before the Commission.
Q Is Elizabeth married? A No sir, she is ten years old.
Q Your mother has been before the Commission for these minor children
A Yes sir.
Q Did you ever have any other sisters? A Yes sir, but they are all married.
Q What are their names? A Jennie Buckley.
Q Has she been before the Commission? A No sir.
Q Where does she live? A At Laurel.
Q What is her husband's name? A Hiram Buckley.
Q Has she any children? A Yes sir.
Q What is your next sister's name? A Savannah Manuel.
Q Where does she live? A In Laurel too.
Q Has she been before the Commission? A No sir, only one of them has been before the Commission.
Q What is her husband's name? A Robert Manuel.
Q Has she any children? A No sir.
Q What is your next sister's name? A That's all I got.
Q Did you ever have any others? A Yes sir, but they are dead.
Q Did they die before they became of age? A Yes sir; they was very young.
Q Has your mother any brothers living? A Yes sir.
Q How many? A Two.
Q What are their names? A Billy Brown
Q The next one? A Archie Brown.
Q How old are they? A Archie aint as old as my mother.
Q Have they families? A Yes sir.
Q Have they been before the Commission? A No sir.
Q Where do these brothers live? A They aint been before unless they had the commission at Stonewall.
Q Where do they live? A At Stonewall.
Q Any of your mother's sisters living? A Yes sir.
Q How many? A Four or five of them.
Q Give us their names? A Mary Ann Davis, Beulah Hernton.
Q The next one? A Grecia Jones.
Q The next one? A Bettie Lee.
Q Is that all? A Yes sir, that's all.
Q Any of them been before the Commission? A No sir.
Q Where did they live? A Beulah and Grecia and Bettie Lee live at Laurel and Mary Ann she lives at Stonewall.
Q Did she ever have any other sisters? A She had one who died.
Q Leave any children? A No sir.
Q Did she ever have any other brothers? A She had one, but he wasn't married when he died.
Q Any of your father's brothers living? A No sir.
Q Any of his sisters living? A No sir.
Q Any of the children of his brothers living? A No sir.
Q Any of the children of any of his sisters living? A No sir.

This applicant has a dark complexion, dark skin and dark eyes; his hair is almost black and comparatively straight. He has the features and facial expression of a white person; his color would indicate that he is a light-skinned person.

Willie Coleman, 7.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above entitled cause on the 10th day of October, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me this the 23rd day of October, 1901,
at Decatur, Mississippi.

L. B. Mosely
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *Mack* Deputy.

COPY.

W.C.R. 2702.

Mustagee, Indian Territory, July 26, 1908.

Willie Coleman,

Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 26th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmund Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------|-------------|
| Edmund Coleman, | W.C.W. 2701 |
| Garry Coleman, et al., | " 2702 |
| Lena Brooks, et al., | " 2703 |
| Willie Coleman, | " 2704 |

These applications were made under the provision of the act of Congress of June 28, 1906 (34 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmond Coleman, Carrie Coleman, Howard Coleman, Marniel Coleman, Elizabeth Coleman, Lena Brooks, Louis Brooks and Willie Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Commissioner in Charge.

Registered.

H.C.R. 3752.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Willie Coleman,

Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 25d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edmond Coleman, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Respectfully,

SIGNED

Tame Dixie.
Acting Chairman.

#1448

No. 3732

For Identification as a Mississippi Choctaw.

Date OCT 1
Name Willie Coleman

Age 21 Blood 5/8

Post Office, Meridian, Miss.

Father: Ed Coleman $\frac{7}{16}$ L

Mother: Harriet " $\frac{1}{2}$ L

Claims through both parents.

Children:

(Claims for self only.)

Choctaw MCR 3753

Banks Myers

See MCR 3215

MCR 3753

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 10, 1901.

In the matter of the application of Bank Myers for identification as a Mississippi Choctaw.

Banks Myers, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Banks Myers.
- Q How much Choctaw blood do you claim to have? A I don't know sir one-eighth I suppose.
- Q How old are you? A Twenty six years old.
- Q What is your post office address? A Meridian, Mississippi.
- Q How long have you lived in Meridian? A Off and on all my days-- for the last six years I have been away off and on.
- Q Where have you been during that time? A I have been on the river and on the railroad.
- Q You were born and raised in this county? A Yes sir.
- Q Is your father living? A Yes sir.
- Q What is his name? A Patrick Myers.
- Q Where does he live? A He lives here.
- Q Has he any Choctaw blood? A Yes sir.
- Q How much? A I don't know exactly how much.
- Q He was a slave was he not? A Yes sir, he was a slave.
- Q How long has he been in this county? A I don't know sir how long he has been here--he was here when I was born.
- Q Do you know whether he ever lived outside of the state of Mississippi? A No sir, he has never lived outside of the state.
- Q About how old a man is he? A About sixty years old I suppose.
- Q Is your mother living? A No sir.
- Q Did she have any Choctaw blood? A No sir, not that I know of.
- Q What was she? A She was a black woman.
- Q What was her name? A Laura Myers.
- Q Were your father and mother lawfully married? A I don't know about that--they have been together---they were together before I knew anything--they were together in slavery days and I don't know whether they were married or not.
- Q And they lived together since that time until her death, did they? A Yes sir.
- Q Through which one of his parents did your father derive his Choctaw blood? A I don't know thata, any more than what I have heard him say.
- Q What did you ever hear him say? A That it was on his mother's said.
- Q What was his mother's name? A Lucy.
- Q Lucy what? A I never did see her.
- Q She was a slave was she? A Yes sir, I suppose so.
- Q How much Choctaw blood did she have? A I don't know sir.
- Q What was your father's name? A I don't know.
- Q He had no Choctaw blood? A I suppose not.
- Q How old would Lucy be if she were living now? A I don't know sir.
- Q Do you know where she lived during her lifetime? A They say she lived down below Enterprise.
- Q What county? A Hinds county, I believe.
- Q Downsouth of here is it not? A Yes sir.

Banks Myers-----2.

- Q You don't know whether she always lived in this state or not? A No sir, I do not, I never heard of her leaving it though.
- Q Do you know when she died? A No sir, but she died lately, I was not here when she died.
- Q Did she speak or understand the Choctaw language? A I don't know sir.
- Q Does your father? A Not that I know of.
- Q Through which one of her parents did Lucy get her Choctaw blood? A I don't know sir, I heard it was from her father.
- Q What was his name? A I don't know sir.
- Q You know nothing whatever of any of your ancestors farther back than your grandmother Lucy? A No sir, nor I don't know nothing of her.
- Q Do you know where her parents lived? A No sir.
- Q Are you married? A No sir.
- Q This application is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory?-----Do you know what I mean by that? A No sir.

The tribal rolls are lists of the names of Choctaw Indians in Indian Territory who are members of the Choctaw tribe.

- Q Is your name on any of those rolls? A I don't know sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of that tribe? A No sir.
- Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Did you ever make any application of any description prior to today? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and over on the western edge of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time this treaty was made, some of the Indians were unwilling to remove from this country to the new country west of the Mississippi river, and insisted that provision be made by which they might be permitted to remain here in Mississippi and become citizens of the states. For the benefit of those desiring to remain here, the fourteenth article was put into that treaty. That fourteenth article is as follows:

Banks Myers-----3.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article now? A No sir, I don't understand it.

As I have explained to you, this treaty was made in 1830, over seventy one years ago, and that part of the treaty under which you claim is known as the fourteenth article. An article is a part or subdivision of the treaty. That fourteenth article was made for the benefit of these Choctaw Indians who lived here seventy one years ago and who did not want to go to the new country west of the Mississippi river but preferred to stay here. That fourteenth article said that if a Choctaw Indian wanted to stay here and become a citizen of the states he might do so, but he must let the agent of the government know within six months from the time the treaty was ratified (February 24, 1831) that he wanted to stay here. After he had done that he was entitled to a reservation of 640 acres of land, to be bounded by sectional lines of survey, and if he had a child in his family over ten years of age, for that child he was entitled to 320 acres or a half section; and if he had a child under ten years of age, for that child he was entitled to one hundred and sixty acres or a quarter section of land. The reservations of the children must adjoin the parent's reservation, and these reservations must include the present improvement of the head of the family---that is the improvement that he had here on the 27th day of September, 1830, the day the treaty was made. In order to get a title to that land, the Indian was required to live on it for five years from the day the treaty was ratified. The last clause of that treaty is: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is if a Choctaw had stayed here and gone to the agent and told him he wanted to stay and become a citizen and had his land reserved and lived on it five years and got a deed or patent to it, he should not lose the privilege of a Choctaw citizen by having done that, but if he ever removed to the new country he should not have any rights in the Choctaw annuity, or the annual payments made to the Choctaws under treaty stipulations. You come here as a claimant to rights in the Choctaw lands in Indian territory, claiming that you are entitled to them under this fourteenth article.

Banks Myers-----4.

Q Do you think you understand that fourteenth article now? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article? A Not that I know of.

Q Did any of them live here in the old Choctaw Nation in Mississippi and Alabama when that treaty was made? A I don't know anything about that.

Q Do you know whether any of them were recognized members of the Choctaw tribe here at that time? A No sir, I don't know.

Q Do you know whether any of them owned any improvements here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified signify to the agent of the government here in Mississippi for the Choctaws their intention to remain here and become citizens of the states? A I don't know sir.

Q Did any of them claim or receive any land here in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did any of them ever received from the government of the United States any land here in Mississippi under the provisions of any other article of that treaty or under the supplement thereto? A I don't know sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the states under that article. The records of the government show that this agent failed to record and report to the government the names of many Choctaws who did in fact signify to him their intention to remain here and become citizens of the states, and on this account the government at its public land sales in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the government under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. This action of the government in selling the land upon which the Choctaws lived and had improvements caused a great deal of complaint among them and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaw Indians who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here and heard a few of these cases but in the time allowed to them by the act of Congress under which they were appointed and a subsequent act approved February 22, 1838, providing for their continuance in office, they were unable to dispose

Banks Myers-----6.

of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, and another act of Congress was passed and approved on August 23, 1842, providing for the appointment of another Commission to come down here and finish up this work. This second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in lieu thereof land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of our ancestors ever receive any scrip from the government of the United States under the provisions of this act of Congress? A Not that I know of.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know did any of them ever received any benefits whatever as members of that tribe? A No sir.

Q None of them ever received any land here in Mississippi from the government? A No sir.

Q Nor any money? A No sir.

Q Did any of your ancestors ever live in Indian Territory? A No sir.

Q Have you any witnesses here today? A No sir.

Q Do you know of any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence of any kind that you want to offer now? A No sir.

Q Do you want permission to file papers later? A Yes sir.

You will be allowed a reasonable time in which to file proper written evidence in support of this application. If you should find any witnesses whom you desire to have appear before the Commission in person, in support of your application, they may appear before the Commission within a reasonable time at its office in Atoka, Indian Territory, and their testimony will be taken.

Banks Myers-----6.

- Q Any further statements you want to make? A No sir, I guess not.
Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A Two.
Q What are their names? A Robert and Marshall Myers.
Q Where does Robert live? A At New Orleans.
Q Has he been before the Commission? A No sir.
Q How old is he? A Twenty eight.
Q Is he married? A No sir.
Q Where does Marshall live? A He stays here.
Q Has he been before the Commission? A No sir.
Q How old is he? A I don't know exactly how old he is.
Q About how old? A He is about twenty years old.
Q Is he of age? A I don't know whether he is or not.
Q Is he married? A No sir.
Q Have you any sisters? A Yes sir, two.
Q What are their names? A Lula Larkins and Jerusha Myers.
Q How old is Lula? A Twenty four.
Q Where does she live? A She lives here.
Q What is her husband's name? A Robert Larkins.
Q Has she been before the Commission? A She is here now.
Q Has Lula any children? A Yes sir.
Q How many? A Two.
Q Has Jerusha been before the Commission? A Yes sir.
Q How old is she? A Eighteen.
Q Has your father any brothers living? A He had a half brother.
Q What is his name? A Bill Brown.
Q Same mother as your father? A Yes sir.
Q Has he been before the Commission? A Not that I know of.
Q Where does he live? A He lives about ten miles below here.
Q Is he older or younger than your father? A Younger.
Q Is he married? A Yes sir.
Q What is his wife's name? A Freestone.
Q Have they any children? A I don't know sir, I have not been around them in six or seven years.
Q Has your father any sisters living? A Yes sir, I believe so.
Q How many? A I don't know sir whether he has got any sisters or not. I have never seen them.
Q Did he ever have any other brothers? A No sir.

This applicant has the appearance of being a negro and shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

H.C. Risteen, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of October, 1901, at ~~Marshall~~ Decatur, Mississippi.

H.C. Risteen
L. B. Massey
Clerk U.S. Circuit Court, Southern

CE MASS. U.S.A. 1901

COPY.

M.C.R. 3753

Muskogee, Indian Territory June 17, 1902.

Banks Myers,

Meridian, Mississippi.

Dear Sir:-

You are hereby advised that on the 10th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Patrick Myers, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------|--------------|
| Patrick Myers, et al., | M.C.R. 3215 |
| Banks Myers, | M.C.R. 3753 |
| Lula Larkins, et al. | M.C.R. 3754 |
| Lucy Myers, et al., | M.C.R. 3751. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Patrick Myers, Marshall Myers, Jerusha Myers, Banks Myers, Lula Larkins, Lillian Larkins, Adeline Larkins, Lucy Myers, Albert Myers and Laura Myers, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

B. M. 40

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 3753.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Banks Myers,

Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Patrick Meyers, et al., of which decision you were advised by registered mail on the 17th day of June, 1902.

Yours truly,

(SIGN)

Tame Dixie.
Acting Chairman.

Application as a Mississippi Choctaw

Date OCT 10 1901

Name Banks Myers

Age 26 Blood $\frac{1}{8}$

Post Office, Meridian, Miss.

Father: Patrick Myers

Mother: Laura Myers

Claims through Father

Children:

(Claims for himself only)

Stenographer

H. C. Risten

Choctaw MCR 3754

Lula Larkins

See MCR 3215

MCR 3754

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, October 10, 1901.

In the matter of the application of Lula Larkins for the identification of herself and two minor children as Mississippi Choctaws.

Lula Larkins, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lula Larkins.
- Q How much Choctaw blood do you claim to have? A I don't know sir.
- Q Do you know you have any? A I guess I have my father said so. He has some.
- Q How much has he? A I don't know sir how much he has.
- Q You don't know how much Choctaw blood you have at all? A No sir.
- Q You have no idea? A No sir.
- Q What did you come up here for then? A I don't know how much I have got--I know how much they said I have got--they say my great grandfather was an Indian.
- Q How much do you think you have then? A I don't know, but I have some.
- Q You said in answer to a former question that you could tell what they said you had--tell us what that is? A I don't know sir, but I have got some.
- Q How old are you? A Twenty three.
- Q What is your post office address? A Complete, Mississippi.
- Q What county is that in? A Lauderdale.
- Q How long have you lived in Lauderdale county, Mississippi? A All my life.
- Q Is your father living? A Yes sir.
- Q What is his name? A Patrick Myers.
- Q How much Choctaw blood has he? A I don't know sir.
- Q You have no idea? A I know what they say he has; they say his grandfather was an Indian.
- Q How old is your father? A I don't know sir.
- Q Where does he live? A I don't know where he lives.
- Q Does he live in the state of Mississippi? A I don't know sir whether he is living or not.
- Q Your father? A I thought you said his father.
- Q I am talking about your father? A He lives in Lauderdale county.
- Q How long has he lived here? A He has been here ever since I knew him.
- Q You know nothing about his residence before you were born? A No sir.
- Q Is your mother living? A No sir.
- Q What was her name? A Laura Myers.
- Q Had she any Choctaw blood? A I don't know sir whether she did or not.
- Q Were your father and mother both slaves? A Yes sir.
- Q You don't claim that your mother had any Choctaw blood? A No sir, I don't know anything about that.
- Q Through which one of his parents did your father derive his Choctaw blood? A I don't know sir.
- Q You don't know whether it was through his father or mother? A His mother.

Lula Larkins-----2.

- Q What was her name? A Lucy.
- Q Did you know her? A Yes sir, I seen her.
- Q Was she a slave? A Yes sir, I guess so.
- Q How much Choctaw blood did she have? A Her father was an Indian.
- Q Where did Lucy live? A She lived in Jasper county.
- Q Do you know whether she ever lived out of this state? A No sir.
- Q What was the name of your father's father? A Alonzo Mayers.
- Q Did he have any Choctaw blood? A I don't know sir.
- Q Through which one of her parents did Lucy get her Choctaw blood?
- A From her father.
- Q What was his name? A John.
- Q John what? A I forget the other.
- Q Did you ever see him? A No sir.
- Q You know nothing whatever about him? A No sir.
- Q What was Lucy's mother's name? A I don't know sir.
- Q Lucy's mother didn't have any Choctaw blood? A I don't know anything about her.
- Q Did your father ever live in Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Robert Larkins.
- Q Has he any Choctaw blood? A Not that I know of.
- Q You make no claim for him then? A No sir.
- Q Have you any children? A Two.
- Q What are their names? A Lillian and Adeline.
- Q How old is Lillian? A Three years old.
- Q How old is Adeline? A Six One year and six months old.
- Q Do these children live with you now? A Yes sir.
- Q Are they both the children of yourself and Robert Larkins? A Yes sir.
- Q This application then is for yourself and two minor children? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir, not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of the tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Have you ever made any application of any description prior to this time? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United

Iula Larkins-----3.

States Government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and over on the western edge of Alabama, and the object of this treaty was to secure their removal from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river, a portion of which is now occupied by the main body of the Choctaw tribe. At the time this treaty was made, some of the Indians were unwilling to remove from this country but preferred to remain here and become citizens of the states. For the benefit of those that wanted to stay here, the fourteenth article was put into the treaty. That fourteenth article was a part or sub-division of the treaty and of course it applied to those people that were living here seventy one years ago when that treaty was made,--its requirements applied to them. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying their intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think that you understand that article now? A I understand some of it.

Q What is there about it you do not understand? A I understand all of it.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article? A Not as I know of.

Q Were any of your Choctaw ancestors living here in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made?

A I don't know sir.

Q Were any of them recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of them own improvements on what constituted the old Choctaw Nation here in Mississippi and Alabama at that time? A No sir, not as I know of.

Q Did any of them remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit creek was ratified signify to the United States Agent for the Choctaws in Mississippi their intention to remain here in Mississippi and become citizens of the states? A I don't know sir.

Dula Larkins----4.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the United States government under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the United States government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the states. The records of the government show that this agent failed to record and report to the government the names of many Indians who did in fact signify to him their intention to remain and become citizens of the states. On this account the government at its public land sales in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the government. This action of the government caused many complaints and the matter was brought to the attention of Congress and Congress passed an act which was approved on the third day of March 1837, providing for the appointment of a Commission whose duty it should be to come here to Mississippi and hear the cases of Choctaw Indians who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here and heard a few of these cases, but in the time allowed to them by the act of Congress under which they were appointed and a subsequent act of Congress approved February 22nd, 1838, continuing this Commission in office, they were unable to dispose of but a comparatively small number of cases, and it became necessary for Congress to make provisions whereby the remainder of these Indians might be given hearings. And another act of Congress was passed and approved for the appointment of a second Commission, whose duty it should be to come down here and finish up this work. This Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in lieu thereof land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, and he should receive a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States government under this act of Congress? A I do not know.

Lula Larkins---8.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A Not as I know of.

Q You never heard of any of your ancestors getting any land from the United States government here in Mississippi? A No sir.

Q Or of them having received any money? A No sir.

Q Do you know of any one living who would be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

Q Have you any written evidence of any kind that you want to offer now? A No sir.

Q Have you any witnesses here to day? A Yes sir.

Q Who? A Agnes Nixon and Carrie Coleman.

Q They are the witnesses who testified yesterday in the case of Patrick Myers, your father? A Yes sir.

Their testimony will be considered in your case any way so it will not be necessary for you to introduce them again.

Q They are the only witnesses you have here today? A Yes sir.

You will be allowed a reasonable time in which to file proper written evidence in support of this application. The Commission would be glad to have you file it within thirty days if you should see fit to do so. If you should find any other witnesses whom you should desire to have appear before the Commission in person, they may appear before the Commission at its office in Atoka, Indian Territory, and their testimony will be taken.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you anything further to say? A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A Three.

Q What are their names? A Robert, Banks and Marshall.

Q Did you ever have any others? A Yes sir, one that died.

Q How old was he when he died? A Thirty one.

Q Did he leave a family? A Yes sir.

Q What was his name? A Alonzo Myers.

Q How many children did he leave? A Three.

Q Are they living now? A Yes sir.

Q What are their names? A Lucy, Albert and Laura.

Q How old is Lucy? A Seven years.

Q Has any application been made for them? A Yes sir.

Q Who made it? A Their mother.

Q What is her name? A Ida Myers.

Q Have you any children living? A One.

Q What is her name? A Jerusha Myers.

Q She is not married? A No sir.

Q Where does she live? A In Meridian.

Q Has she been before the Commission? A No sir.

Q How old is she? A I don't know exactly how old she is.

Q She is not of age? A No sir.

Lala Larkins--1--1--6.

Q Did you ever have any other sisters? A No sir.

This applicant has the appearance of being a negro and shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L. B. Mackey

Clerk U. S. Circuit Court, Southern District of Mississippi.

By *J. M. Math*

Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, October 10, 1901.

In the matter of the applications of Lula Larkins, et al.,
Banks Myers, et al., and Ida Myers for her three minor children, for
identification as Mississippi Choctaws.

Patrick Myers, having been first duly sworn, upon his oath
testified as follows:

Examination by the Commission.

- Q What is your name? A Patrick Myers.
Q How old are you? A About sixty one.
Q What is your post office address? A Meridian.
Q You have appeared before the Commission heretofore as an applicant
for identification as a Mississippi Choctaw? A Yes sir.
Q Are you acquainted with Lula Larkins? A Yes sir.
Q Who appeared before the Commission this morning? A Yes sir.
Q Is she any relation of yours? A My daughter.
Q Are you acquainted with Banks Myers? Who appeared before the Comm
mission to-day? A Yes sir, my son.
Q Are you acquainted with Ida Myers, who just appeared before the
Commission in behalf of three minor children? A Yes sir, my daughter-
in-law.
Q What are the names of her chil ren? A Lucy, Albert and Laura.
Q What was your son's name? A Alonzo.
Q Is he the father of these children? A Yes sir.

R.S. Street, having been first duly sworn, upon his oath states
that as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings had in the above entitled cause
on the 10th day of October, 1901, and that the above and foregoing is
a full, true and correct translation of his stenographic notes of
said proceedings in said cause upon said date.

R. S. Street

Subscribed and sworn to before me this the 23rd day of October, 1901,
at Decatur, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

Muskogee, Indian Territory June 17, 1902.

Lula Larkins,

Complete, Mississippi.

Dear Madam:

You are hereby advised that on the 10th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Patrick Myers, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------|--------------|
| Patrick Myers, et al., | M.C.R. 3713 |
| Banks Myers, | M.C.R. 3763 |
| Lula Larkins, et al., | M.C.R. 3764 |
| Lacy Myers, et al., | M.C.R. 3751. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats, 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Patrick Myers, Marshall Myers, Jerusha Myers, Banks Myers, Lula Larkins, Lillian Larkins, Adeline Larkins, Lacy Myers, Albert Myers and Laura Myers, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

L. L. #2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Registered.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Lula Larkins,

Complete, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Patrick Myers, et al., of which decision you were advised by registered mail on the 17th day of June, 1902.

Yours truly,

SIGNED

Tamc Dixby.

Acting Chairman.

#1457

No. 3754

For Identification as a Mississippi Choctaw.

Date OCT 10 1891
 Name *Lula Larkins*
 Age 23 Blood dont know
 Post Office, *Complete, Miss.*
 Father: *Patrick Myers* L
 Mother: *Laura* " d
 Claims through father.
 husband *Robert Larkins* L
 (no claim for husband.)

Children:
Lillian Larkins 3
Adeline " 1

(Claims for self and
 2 minor children)

Stenographer

McLester

Choctaw MCR 3755

James M. Moore

See MCR 3270

MCR 3755

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. October 12, 1901.

3755

In the matter of the application for identification as Mississippi Choctaws of James M. Moore and his two minor children, Resalee, and William Porter Moore.

Applicant not represented by attorney.

James M. Moore being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James M. Moore.
Q What is your age? A Thirty-nine.
Q What is your post-office address? A Durant.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A I have not been right around Durant but about since the first of September. I have lived at other places in the Indian Territory.
Q Where did you live before you lived at Durant? A Over in Texas.
Q How long did you live in Texas before you came to Durant? A About nine months.
Q Where were you born? A Texas.
Q Where in Texas? A Bannin County, Texas.
Q Where did you go from Texas? A To the Territory.
Q When? A In 1890.
Q You lived in Texas up to then? A Yes sir.
Q Have you lived in the Indian Territory since 1890? A No sir I could not tell you how many trips back and forth we made but I have been only in Texas and the Indian Territory. I have never been in any other Country.
Q What is your father's name? A William Newton Moore.
Q Is he dead? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Lucinda Moore.
Q Through which parent do you claim Choctaw blood? A On my mother's side. Brown is her first name.
Q How much Choctaw blood do you claim? A Why I don't know exactly.
Q How much does your mother have? A She is one-half I think.
Q You claim one-half of what your mother has? A Yes sir.
Q Has she been before the Commission? A Yes sir.
Q When was she here? A I reckon it was in August or September.
Q If she claimed one-half how much would you claim? A That would make me one-quarter.
Q You claim one-quarter? A Yes I think so.
Q Have any others of your relatives been before the Commission besides your mother to be identified as Mississippi Choctaws? A Yes sir.
Q Can you give the names of these relatives? A My sister Mag Rainey, and another sister Sarah Rainey, and one sister named Belle Beatty and Mary Moore, and Betty Bass, then Mag Rainey's daughter my niece, her name is Mattie White and my brothers Willie Moore and W. J. Moore.

- Q These are all relatives of yours? A Yes sir.
- Q And have made application for identification as Mississippi Choctaws? A I reckon that is it.
- Q You want to have their testimony considered with yours in order that you may get the benefit of what they have testified to? A Yes we want it all to come in the same way.
- Q What is the name of the ancestor through whom you claim? A James Brown.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or United States authorities in Indian Territory? Not as I know of only that she has put in an application here.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Her given name?
- Q Yes sir? A Malinda Moore.
- Q Is she a white woman or Indian? A She is a white woman.
- Q You make any claim for her? A She don't claim to have any Indian blood.
- Q You don't claim for her then? A We sir.
- Q Have you any children under age and unmarried for whom you wish to apply now? A Two is all.
- Q What are their names? A Rosalee Moore.
- Q How old is she? A She is ---she was born in '95.
- Q What is the name of the next child? A William Porter Moore.
- Q How old is he? A He was born in '97.
- Q You claim for yourself and these children do you? A Yes sir.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know that they are.
- Q Are they enrolled as Indians? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10th 1896? No sir.
- Q You never have been admitted to citizenship, either you or your children, in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application you have ever made for yourself and your children to any authority whatever? A Yes sir.
- Q Do you now come before the Commission for the purpose of identification of yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand th t article of that treaty? A I don't know whether I do or not.

The treaty of 1830 was made between the United States and the Choctaw Indians living in Mississippi and a portion of Alabama at that time. It was made on the 27th day of September in the year 1830. It was made for the purpose of getting all the Choctaw Indians who lived in the old Choctaw Nation to leave that old Choctaw Nation and go to the New Choctaw Nation Indian Territory, where they could have their own tribal government and be undisturbed by either whites or other Indians but before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory. In order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You claim under that article do you? A Yes sir.
- Q You understand that do you? A Yes sir.
- Q Now as you understand it and it has been fully explained to you, do you know if any of your Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of that treaty? A No sir I don't know.
- Q What is the name of your ancestor who lived in the old Choctaw Nation in Mississippi in 1830 if you know? A Only Brown.
- Q James Brown? A Well he lived on the line of Mississippi and Alabama.
- Q You claim through your mother? A Yes sir.
- Q Was her maiden name Lucinda Brown? A Yes her father was James Brown and her mother was Jane Brown.
- Q She was an Indian or white woman, Jane Brown? A She was a white woman.
- Q She you believe was a whiteman? A Yes sir.
- Q How much Choctaw blood did he have, her husband? A I have been told that he was a full blood Choctaw Indian.
- Q Who told you that he was? A I have heard my mother speak about it.
- Q Did he speak the Choctaw language? A Old man Brown?
- Q Yes sir? A I could not say.
- Q Did your mother? A I never heard her speak it.
- Q She was one-half blood? A That is what she claimed.
- Q Did she look like a half blood Choctaw Indian? A She looked like right smart Indian.
- Q Did your grandfather James Brown have an Indian name? A I could not tell you.
- Q Did he ever live in Mississippi? A Well I just could not tell you, only that he lived just along the line.
- Q He lived on the line between the two States? A Yes sir.
- Q Did your mother live down there? A She lived in Alabama and was born there.
- Q Where in Alabama was she born? A I could not tell you.
- Q How old is she now? A Sixty-three. (63)
- Q Born in Alabama? A Yes sir.
- Q Do you know whether her father and mother were living in Mississippi or Alabama in 1830? A I don't know.
- Q Do you know where James Brown died? A No sir.
- Q You know when he died? A No sir.
- Q You know how old he was when he died? A No sir.
- Q You don't know whether he died in Alabama or Mississippi? A No sir.
- Q Did any of your Choctaw ancestors own any improvements in Mississippi or Alabama in 1830 or any time previous to that time? A I could not tell you.

- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation between the years 1833 and 1837?
A I could not tell you.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them claim or receive any benefits under any other article than article fourteen of the treaty of 1830 or under the supplement of that treaty? A I could not tell you.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed the United States Indian Agent who lived in Mississippi at that time to make a list of all Choctaw Indians who claimed rights under article fourteen of the treaty of 1830 and notified him of their claim within six months after the ratification of the treaty of 1830. This agent Colonel Ward failed to register the names of many Choctaws who came before him within that time and because of his failure to so register these names of all people who came before him a great many Choctaw Indians who held land in Mississippi upon which they had improvements, lost both the land and the improvements. It was taken from them by the government and sold at its public land sales. This caused a great many complaints on the part of the Choctaw Indians so that in 1837 a Commission was appointed by act of Congress of March 3 1837, which Commission went to Mississippi and heard all claimants under article fourteen and made lists of successful claimants who came before them. In 1842 another Commission was appointed by act of Congress of August 23rd 1842 and this Commission also went to Mississippi and heard claimants under article fourteen and made lists of successful claimants.

- Q Did any of your Choctaw ancestors appear before either of these Commission that of 1837 or the Commission of 1842 and claim benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Have you any documentary evidence that you want to file now?
A No sir.
- Q Have you proof of the marriage of your father and mother? A No sir I have not.
- Q When were they married? A I don't know I seen the record on the old family bible.
- Q When were you married to your wife? A In Ninety-one.
- Q What of the month? A Third of January.
- Q Where were you married? A Lehigh.
- Q Indian Territory? A Yes sir.
- Q Have you your marriage license and certificate with you now?
A Yes sir.
- Q You want to file them? A You just want to look at them?
- Q You had better file them or else have a copy made and have it certified to.

A reasonable time will be allowed this applicant in which to file documentary evidence or other proof of his claim also proof of the marriage of his father and mother also of his own marriage in support of his application.

25

- Q Do you speak Choctaw? A No sir I can't talk Choctaw.
Q You don't understand that language? A No sir I don't understand it.
Q Is there anything further that you want to say in support of this claim? A Sir?
Q Anything more you want to say about the claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown eyes, dark complexion, dark brown hair and whiskers. He does not understand that Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 18th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of November 1901.

W. H. Miller
Notary Public.

5753

Miss. Chestaw 3479

Muskogee, Indian Territory, April 11, 1902.

James W. Moore,

Jackson, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 7, asking if you must pay permit taxes, and stating that you appeared before the commission at Atoka, Indian Territory. You also desire to be informed if you will be safe in taking up a home, in the the Indian Territory.

In reply to your letter you are advised that it appears from our records that on October 12, 1901, you made application to the Commission, at Atoka, Indian Territory, for the identification of yourself and two minor children as Mississippi Chestaws. No decision has yet been reached, our opinion rendered relative to your rights as Mississippi Chestaws. As soon as a decision is reached you will be notified of the action of the Commission.

In reply to that part of your letter in which you inquire whether you will be safe in taking up a home in the ghostaw or Chickasaw Nation, your attention is invited to the following provision of the act of Congress of May 31, 1902:

J.N.M. 2

"That any Mississippi Choctaw duly identified as such by the United States Commission to the five civilized tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

The collection of tribal taxes is a matter which does not come within the jurisdiction of the Commission.

Your change of address has been made a matter of record.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 20, 1902.

James M. Moore,

Jackson, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|-------------|
| Lucinda Moore, | M.C.R. 3270 |
| Mag Raney, et al. | M.C.R. 3271 |
| Mattie White, et al. | M.C.R. 3272 |
| James M. Moore, et al. | M.C.R. 3755 |
| Mary J. Moore, et al. | M.C.R. 3110 |
| Belle Beatty, et al. | M.C.R. 1209 |
| Sarah Raney, et al. | M.C.R. 3116 |
| Bettie A. Bass, et al. | M.C.R. 3117 |
| William J. Moore, et al. | M.C.R. 1466 |
| Neomia Long | M.C.R. 3109 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

James M. Moore, -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Moore, Mag Raney, William Raney, Laura Raney, James Raney, Walter Raney, Johnnie Raney, Cleveland Raney, Leonard Raney, Mattie White, Tammie White, James M. Moore, Rosalee Moore, William Porter Moore, Mary J. Moore, Roscoe Moore, Oscar K. Moore, Royce Arthur Moore, Stirling Moore, Clayton Lancaster Moore, Belle Beatty, Gen Beatty, Susan Raney, Montie Lucinda Raney, Willie Ann Raney, Ruthie Elizabeth Raney, Etay L. Raney, Nettie A. Lane, Nellie Hardeman Lane, William J. Moore, Ruth Moore and Georgia Long as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

I. D. J. Hodges

Commissioner in charge.

Registered.

M.C.R. 5755.

COPY

Muskogee, Indian Territory, July 14, 1903.

James M. Moore,

Jackson, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Moore, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

T. B. Needles.

Commissioner in Charge.

No.

3755

For Identification as a Mississippi Choctaw.

Date

OCT 12 1901

Name James M. Moore

Age

39 -

Blood

1/4

Post Office, Durant, I. T.

Father: William W. Moore, d

Mother: Lucinda " l.

Claims through Mother,

wife,

Malinda Moore, w.

No claim for wife -

Children:

Rosalee Moore - 6

William P. " 4

Claims for self &
children -

Stenographer

G. Rosenwristel

Choctaw MCR 3756

George Thompson

See MCR 3756

MCR 3756

Department of the Interior.
Commission to the Five Civilized Tribes.
Albema, Indian Territory, October 18, 1901.

#3756.

In the matter of the application of George Thompson
for the identification of himself and his three minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

George Thompson, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Thompson---George Thompson.
Q What is that? A George Thompson.
Q What is your age? A Forty-eight.
Q What is your post office address? A Sherman, Texas.
Q What is that? A Sherman, Texas.
Q How long have you lived in Sherman? A I have been there with
the exception of two years, ever since I was six months old.
Q Where were you during those two years? A In Montague County.
Q Where? A Montague County, Texas.
Q Where were you born? A At Houston, Mississippi.
Q And at the age of six you went to Texas? A At the age of six
months.
Q What is your father's name? A N. J. C. Thompson.
Q N. J. C. Thompson? A Yes.
Q Is he living? A No sir.
Q What is your mother's name? A Terrence C. Fittle.
Q Well, her name is Thompson isn't it---or is she married again?
A Well, Thompson.
Q Terrence---how do you spell that? A T-e-r-r-e-n-c-e.
Q Now? A T-e-r-r-e-n-c-e.
Q Is she living? A No sir.

(2).

- Q Through which parent do you claim Choctaw blood? A Through my mother. Well, I suppose through both---both I might say.
- Q You claim through both? A Yes sir.
- Q Mother and father? A Yes.
- Q How much Choctaw blood do you claim? A Well that I don't know.
- Q How old would your father be if he were living now---do you know? A He was borned in '20---that would make him eighty-one wouldn't it?
- Q Where was he born? A I think he was borned in Alabama.
- Q Do you know where in Alabama? A No sir, I don't know. I might find out by the family record.
- Q You haven't any proof here? A No sir.
- Q How old would your mother be if she were living now? A She would be---was borned I think in '29.
- Q Where was she born---in what state and what place? A Why, I don't remember whether she was borned in Mississippi or Alabama.
- Q You don't know what place in Mississippi or Alabama? A No, I don't. I don't remember whether she was borned---or whether her father went to Mississippi before she was borned or not.
- Q Do you know when and where your father and mother was married? A They was married at Houston, Mississippi.
- Q When? A In '45.
- Q Do you know the day of the month? A No sir, I do not.
- Q Were they married by a minister under a license---do you know? A Why I suppose so---I don't know.
- Q Do you know about that? A Not my own knowledge, no. We only have the family record.
- Q Have you the marriage license and certificate or can you produce that of your father and mother? A Why, I don't know. I think during the War the Court House Records at Houston, Mississippi was borned. That's been my understanding. I don't know whether they was preserved there or not.

A reasonable time will be allowed this applicant in which to file documentary proof of the marriage of his father and mother.

- Q You will furnish that if you can? A Yes sir, I will furnish that if I can.
- Q Has your father and mother ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States authorities in the Indian Territory? A No sir, not that I knew of.
- Q You say you claim through your father and mother. Now through which parent did your father receive his Choctaw blood? A Through his mother.
- Q What was her name---her maiden name? A Her name was Kinsiah Thompson and she was a Brashcar.
- Q Well, what is her first name? A Kinsiah.
- Q Kinsiah Brashcar? A Yes sir.
- Q That is your father's mother? A Yes sir.
- Q Kinsiah Brashcar---how much Choctaw blood did she have? A Well

(3).

- that I couldn't tell you. I will have to get that out of some of the older people.
- Q Through which parent did she claim her Choctaw blood? A I don't know.
- Q You can't go back any further than her? A No sir.
- Q You say your father was born in 1820? A Yes sir.
- Q But you don't know whether she was living in Mississippi or Alabama at the time of his birth? A I think he was born in Alabama.
- Q Did she ever live in Mississippi? A Yes sir.
- Q That is your father's mother? A Yes sir.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did your father ever? A No sir, I think not.
- Q Did she---your father's mother---have an Indian Name? A I don't know whether Brashear is an Indian name?
- Q Brashear---Now through which parent did your mother claim her Choctaw blood---father or mother? A Her father.
- Q What was his name? A Tittle---Peter Tittle.
- Q Peter Tittle? A Yes sir.
- Q Through which parent did he claim his Choctaw blood? A His mother, I think.
- Q What was her name? A Why, Smith---I don't know---I think she was a Smith.
- Q Can you tell through which parent she claimed her Choctaw blood? A No sir.
- Q Can't go back any further then than your mother's mother, Smith? A That's my mother's grandmother---Smith.
- Q Your mother's grandmother Smith---but you can't tell her first name? A No sir.
- Q Did she ever live in Mississippi? A I don't know.
- Q Do you know whether she had a Choctaw name? A No, I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q Your mother claims through her mother, did you say? A No, through her father.
- Q His name was what? A Tittle---Peter Tittle.
- Q Tittle? A Yes sir.
- Q How do you spell that? A T-i-t-t-l-e .
- Q Do you know when and where he died? A He died at Houston, Mississippi, about '55.
- Q In the year 1855? A Yes sir.
- Q How old was he when he died---if you know? A Why, he was close to sixty---I don't remember what his exact age was.
- Q He was born then about 1790 wasn't he---between 1790 and 1800, if he died in 1855 and he was sixty years old at that time? A Well he was somewhere along---well I don't know just exactly---I expect I can find out though. We can get the family records as to his exact age.
- Q Did he ever live in Mississippi---if you know? A Yes sir, he lived at Houston, Mississippi.
- Q Did he die in Mississippi? A Yes sir, died at Houston.
- Q Was he born in Mississippi? A I think not---think he was born in Alabama.
- Q When did he go to Mississippi---do you know? A Well, he went there about the beginning of the thirties I understand.
- Q Right in that time, you think? A Yes sir, right in the beginning of the thirties.
- Q Are you married? A Yes sir.

(4).

- Q What is your wife's name? A Mary E.
Q Is she a white woman or Indian? A White woman.
Q Do you make any claim for her? A No sir.
Q You are living with your wife now, I suppose? A Yes sir.
Q Was your wife ever married previous to your marriage to her? A No sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Three.
Q What is the name of the oldest? A Charlie---Charlie W.
Q C-h-a-r-l-i-e---what is the middle name? A W.
Q Charlie W.---how old is he? A Seventeen.
Q And the next? A Luther Bell.
Q What is it? A Luther Bell.
Q Bell? A Yes sir.
Q Luther Bell---how old is he? A Fourteen.
Q The next? A Mary Gertrude.
Q Mary Gertrude? A Yes sir.
Q How old? A She's eleven.
Q Is that all? A Yes sir.
Q You claim for yourself and these children do you? A Yes sir.
Q Is Mary E. Thompson the mother of these children? A Yes sir.
Q You are the father? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q When and where were you married to your wife, Mary E. Thompson? A We was married at Sherman, Texas.
Q Where? A Sherman, Texas.
Q When? A '78.
Q What day of the month? A Last day of January, '78.
Q Have you your marriage license and certificate of your marriage with your wife? A Not with me.

Reasonable time will be allowed the applicant in which to file proof of his marriage to his wife, in support of the application he makes for his children.

- Q Your application then is just for yourself and your children? A Yes sir.
Q For identification, claiming through both your father and your mother. Is your name or the name of any of these children to be found on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you or anyone for you or for your children ever make application to the Choctaw Tribal Authorities in the Indian Territory to be enrolled as a member of that Tribe? A No sir.
Q Did you or anyone for you or for your children, in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

(5).

- Q Did you ever make application before this time for citizenship in the Choctaw Nation, to either the Choctaw Tribal Authorities or the United States Authorities, to be enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I think I do.
- Q Well, would you like to have it explained more fully? A Yes sir. I have read it over.
- C This treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was made between the United States Government and the Choctaw Tribe of Indians on September twenty-seventh of that year, at a place in Mississippi called Dancing Rabbit Creek, and was made for the purpose of removing all of the Choctaw Indians who lived in Mississippi and Alabama, from the old Choctaw Nation partly located in Mississippi and partly in Alabama to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became evidenced that a great many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory, and in order to protect their interests article fourteen was put into the treaty. An article in a treaty is one of the subdivisions of it. Articles are numbered from one up to as many as there are. Now article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Did any of your Choctaw ancestors, Fizziah Brashears, or Peter Tittle, or any of your Choctaw ancestors to your knowledge ever comply or attempt to comply with the provisions of this article fourteen as it has been read to you? A Not in my knowledge, no sir.
- Q Can you give the name of any of your Choctaw ancestors who lived in Mississippi or Alabama in 1830? A No sir.

(8).

- Q That is that you know positively lived there in 1830---you don't know. Only what I have heard.
- Q How? A Just those I give you.
- Q What is that? A I say there's nothing only those I have give you.
- Q Have what? A The names that I have give you.
- Q Well, are you positive that Kizziah Brashear or Peter Tittle lived in Mississippi or Alabama in 1830? A Yes sir, if that's correct that they always taught me.
- Q Where did they live, in Mississippi or Alabama? A Well, I couldn't say right at that time, whether they was in Mississippi or Alabama.
- Q That is what I am asking. That is just what I am trying to get at. Do you know if Kizziah Brashear lived in Mississippi in 1830? A I do not.
- Q Do you know if she lived in Alabama in 1830? A Well, she was in one or the other of those states, but I couldn't tell exactly.
- Q Well, Peter Tittle---did he live in Mississippi in 1830? A Well as I say he---I couldn't tell. They moved from Alabama to Mississippi along in that period of time.
- Q And you are not positive one way or the other, whether he lived in Mississippi or Alabama in 1830? A No sir, they were raised in Alabama and moved to Mississippi along about the last of the twenties or the beginning of the thirties, and I don't know exactly.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama in 1830 or any time before that? A No, I don't know.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama in 1830, or any time before that? A I don't know. I have nothing of the records.
- Q Was Kizziah Brashear the mother of a family of children in Mississippi or Alabama in 1830? A Yes sir.
- Q Well, do you know now, for sure? A I suppose she was for my father was born in 1820.
- Q Yes---therefore, she had a child at least ten years old in 1830? A Yes sir.
- Q She was living in Mississippi or Alabama you think? A Yes sir.
- Q Was Peter Tittle the head of a family in Mississippi or Alabama in 1830? A Yes sir.
- Q He had children living at that time did he? A Yes sir.
- Q Are you sure of that? A Well, my mother was born about that time and there was some older than her.
- Q Your mother died when? A She died in '92 I believe.
- Q Died in '92---how old was she when she died? A Wait, let me study about that---I think it was in '92.
- Q How old was she when she died? A Why, she was sixty one or two.
- Q She was sixty-one or two and died in '92---that would make her born about 1830 wouldn't it? A Yes sir, that's about when she was born.
- Q Now was she born in Mississippi or Alabama? A My recollection is that she was born in Alabama, but I ain't certain about that. I think maybe I could find that from the records.
- Q You think perhaps you could if you were allowed time to introduce further testimony? A Yes sir.
- Q Did any of your Choctaw ancestors go from either Mississippi or Alabama to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

(7).

- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors ever receive or claim any land from the Government under article fourteen of the treaty of 1830 either in Mississippi or Alabama? A I don't know sir.
- Q Did they ever claim any land or receive any, either in Mississippi or Alabama, from the government of the United States under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q In accordance with the provisions of article fourteen of the treaty of 1830, or the treaty of Dancing Rabbit Creek as it is sometimes called, the Government required the United States Indian Agent who lived in Mississippi at that time to make a list of all Choctaw Indians who claimed rights under article fourteen of that treaty, and who went to his office within six months from the time----from the ratification of the treaty and told him they intended to stay in Mississippi and take land there. The United States Indian Agent failed to record the names of a great many Choctaw Indians who did that, and as a result of his failure and neglect a great many Choctaw Indians who had land in Mississippi had the land taken from them. It was sold by the Government at their public land sales. This caused a great many complaints among the Indians and as a result of these complaints in 1837 Congress appointed a Commission by an Act that was approved March 3, of that year, and this Commission went to Mississippi and heard claimants under article fourteen and put the names of all successful claimants on their lists. In 1842 another Commission was appointed for the same purpose, and they made a list of successful claimants under article fourteen. Do you know whether any of your ancestors appeared before either of those Commissions, the Commission of 1837 or the Commission of 1842, and claimed any benefits under article fourteen of that treaty? A No sir.
- Q You don't know about that. The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the Treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the state of Mississippi, Alabama, Louisiana or Arkansas, to be taken from Vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors to your knowledge receive any such scrip from the United States Government as Choctaw Indians? A No sir.
- Q As far as you know did any of your ancestors receive any benefits as Choctaw Indians? A No sir, not as far as I know.
- Q Have you any witnesses before the Commission to-day whom you would like to call in support of your application? A No sir.
- Q Do you know of any witnesses who would be able to support your testimony as to your ancestors and the amount of Choctaw blood possessed? A Yes, I think I can get several if I have time.
- Q Have you any documentary evidence that you would like to present now? A No sir.

A reasonable time will be allowed this applicant in which

(8).

to file documentary evidence in support of his application, and also for the introduction of witnesses to give oral testimony before the Commission if he desires.

- Q Do you speak Choctaw? A No sir.
- Q Don't understand it? A Why, I used to understand right smart of it. I have traded a good deal in here a good many years ago in the cattle business.
- Q In meeting with the Choctaws you picked up the words? In meeting with them and associating with them I picked up a good many words but it's been a good while since I have been associated with them.
- Q Is there anything further you want to state in support of this claim that you think of? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, medium dark complexion, sandy moustache, dark hair slightly gray. Does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, on October 15, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 9th day of November, 1901.

Charles H. Sawyer
Notary Public.

M.C. 3756

Muskogee, Indian Territory, March 8, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fourth instant, inclosing certified copy of marriage license and certificate between G. W. Thompson and Mary E. Bell, offered in support of the application for identification as Mississippi Choctaws of George Thompson, et al. The same has been filed with the record in the above named case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3756.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

George Thompson,
Sherman, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maudie Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Verne Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Cyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moma Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Malle T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Gessan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Amnon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel L. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Crenger, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glena W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Marie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kuthleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinky Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamou Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

Registered.

Chairman

MCN-3756

COPY.

Muskogee, Indian Territory, January 22, 1906.

George Thompson,

Sherman, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor children, Charlie W., Luther B. and Mary G. Thompson as Mississippi Choctaws is a part.

Respectfully,

SIGNED *Tamm*

Commissioner.

No. 3756

For Identification as a Mississippi Choctaw.

OCT 15 1901

Date

OCT 15 1901

Name George Thompson

Age 46

Blood don't know.

Post Office, Sherman, Texas,

Father: E. J. C. Thompson, d.

Mother: Terrie " - d

Claims through mother ^{and} father.
wife Mary E. Thompson, w.

No claim for wife -

Children: W.

Charlie Thompson, 17

Luther B. " 14

Mary E. " 11

Claims for self &
children

Stenographer

Hal Belford

Choctaw MCR 3757

George H. Thompson

See MCR 4006

MCR 3757

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 18, 1901.

#3757.

In the matter of the application of George H. Thompson
for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

George H. Thompson, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q Your name is what? A George Homer.
Q George H. A Yes sir.
Q Thompson? A Yes sir.
Q What is your age? A Twenty-one.
Q What is your Post Office address? A Greenville, Texas.
Q What is that? A Greenville, Texas.
Q How long have you lived in Greenville? A One month.
Q One month---where did you live before that? A Went from Denison
Q Denison, Texas? A Yes sir.
Q How long did you live there? A About a month.
Q Where were you born? A Sherman.
Q Sherman, Texas? A Yes sir.
Q And lived how long there? A Well, I have lived there all my
Q life.
Q You never lived anywhere except in Texas? A No sir.
Q What is your father's name? A George.
Q Is his name George W. Thompson? A No sir.
Q George Thompson? A Yes sir.
Q He is living? A Yes sir.
Q Is he the person who has just made application on the above date
Q before this Commission for identification as a Mississippi Choctaw? A Yes sir.
Q Do you want to have his testimony considered with yours when yours
is considered that you may get the benefit of what he has testi-

(2).

- filed to? A Yes sir.
- Q What is your mother's name? A Mary E.
- Q Mary E. Thompson? A Yes sir.
- Q Is she living? A Yes sir.
- Q Has she ever made application here? A No sir.
- Q Through which parent do you claim Chectaw blood----father or mother? A father.
- Q How much Chectaw blood do you claim? A I don't know.
- Q Was your father ever been recognized in any way or enrolled as a member of the Chectaw Tribe of Indians by either the Chectaw Tribal Authorities or the United States Authorities in the Indian Territory? A I think not.
- Q Are you married? A No sir.
- Q Claim for yourself alone do you? A Yes sir.
- Q What is your father's age? A He is forty-nine----I think he said.
- Q Forty-eight? A Forty-eight or nine----he's forty-eight.
- Q What is your mother's age? A Forty-six.
- Q Do you know when and where they were married? A Sherman.
- Q Sherman, Texas? A Yes sir.
- Q When? A They were married in '73.
- Q In '73? A Yes sir.
- Q What day of the month? A 29th or 30th of January, I think it was.
- Q Were they married by a minister under a license? A I suppose so.
- Q Have you the marriage license and certificate of the marriage of your father and mother? A No sir, not with me.
- Q You think you can get it? A Yes sir.

Reasonable time will be allowed the applicant to get this license and certificate or a certified copy of it.

- Q You claim through your father? A Yes sir.
- Q Where was he born? A He was born in Mississippi, I think----I am not positive.
- Q What makes you think he was? A Why, I have heard him say.
- Q You have heard him say he was born in Mississippi? A Yes sir.
- Q When was he born in Mississippi----what year? A He was born in '53.
- Q In Mississippi in 1853? A Yes sir.
- Q And when did he leave Mississippi to come to Texas? A He left there----I think it was the same year. He said he was six months old.
- Q Did he claim through his father or mother? A Mother.
- Q Claimed through both? A Yes sir.
- Q What was his father's name----your grandfather? A E. J. C.
- Q E. J. C. Thompson? A Yes sir.
- Q And what was his mother's name? A Who?
- Q Your father's mother, your grandmother? A Brazier, I think.
- Q Terressie Thompson? A Yes sir.
- Q T-e-r-r-e-s-s-i-e, Terressie Thompson? A Yes sir.
- Q Her maiden name was B-r-a-z-i-e-r? A Yes sir.
- Q Now then, what was your father's mother's name? A My father's mother?

(3).

- Q Yes? A Her name was Terressie.
- Q Well, what was your father's grandmother's name? A I don't know.
- Q Your father gave the name as Kissiah Brashear. A Kissiah Brashear I think it was.
- Q Is that right? A Yes sir.
- Q When you have refreshed your memory do you know that to be correct? A Yes sir.
- Q I say having refreshed your memory do you know that? A Yes, that's the way I think it was. That's the way I have it here.
- Q Where did you get your notes? A My father gave it to me.
- Q You got it from your father then? A Yes sir.
- Q What was her father's name? A I don't know.
- Q How much Choctaw blood did Kissiah Brashear have? A I don't know.
- Q That is B-r-a-s-h-e-a-r is it? A Yes sir.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have an Indian name? A I don't know.
- Q How he claimed through both father and mother? A Yes sir.
- Q Did you have an ancestor named Peter Tittle? A Yes sir.
- Q Who was he? A He was my grandmother's father, I think.
- Q How much Choctaw blood did he have? A I don't know.
- Q Did he speak the Choctaw language? A I don't know.
- Q Did he have a Choctaw Indian name----do you know? A No sir, I do not.
- Q Do you know when he died or where he died? A No sir.
- Q Do you know when Kissiah Brashear died or where? A No sir.
- Q Or how old either of them were when they died? A No sir.
- Q Did they ever live in Mississippi----either of them? A I can't say. We will have to produce the evidence later.
- Q You are not able to say that now? A No sir.
- Q You are not married and make application just for yourself, if I understand? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made to either the Choctaw Tribal Authorities or the United States Authorities for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you come before the Commission now claiming a right to be identified under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of that treaty? A I heard you read it just a minute ago.
- Q You heard it read and explained did you? A Yes sir.
- Q Do you wish to have it read and explained again? A No sir, I don't think it's necessary.
- Q You waive the reading of it and the explanation, do you? A Yes sir.
- Q Well, as you heard it read and explained and as you understand it do you know whether any of your Choctaw ancestors ever complied

(4).

or attempted to comply with the provisions of that article as you heard it. A No, sir, I don't know.

Q Did any of your Choctaw ancestors live in Mississippi or Alabama in the year 1830 to your knowledge----do you know positively about it? A No sir.

Q Have you heard so in the family? A Yes sir.

Q Well, where did they live? A I had ancestors in both Mississippi and Alabama, but when they lived there I couldn't state positively.

Q Could you state if Kissian Brashear lived in either state and when? A No sir, I couldn't.

Q Or any of her ancestors or descendants? A No sir.

Q Could you tell whether Peter Tittle lived in Mississippi in 1830 or not? A No sir.

Q Or any of his ancestors or descendants? A No sir.

Q Were any of them recognized members of the Choctaw Tribe of Indians in 1830? A I don't know.

Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of them go from Mississippi or Alabama to the new Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know whether they did or not.

Q Did any of them within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they wanted to stay in Mississippi and take land there? A I do not know.

Q Did any of your Choctaw ancestors claim or receive any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them claim or receive any land or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

Q In accordance with the provisions of article fourteen of the treaty of 1830, the United States Indian Agent, Colonel Ward, was instructed to make a list of the names of all Choctaw Indians who went to the United States Indian Agent within six months from the ratification of the treaty of 1830, and told him they wanted to stay in Mississippi and take land there. The Agent failed to record the names of a great many Choctaw Indians who did that, and as a result of his failure and his neglect many Indians in the Choctaw Nation who held land in Mississippi upon which they had improvements lost their land. They were dispossessed by the Government. This led to so many complaints on the part of the Indians that in 1837 a Commission was appointed by Congress and this Commission went to the State of Mississippi and made a list of all successful Choctaw claimants who claimed under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, and they also made a list of successful claimants who proved their claims before that Commission under article fourteen of that treaty. Did any of your Choctaw ancestors to your knowledge go before either of those Commissions and claim benefits under article fourteen of that treaty? A I don't know.

Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that any Choctaw Indian had proven his claim under article fourteen of the treaty of 1830, and if it further appeared that his land had been taken from him that he should be entitled to select land either in Mississippi Alabama Louisiana or Arkansas and that a certificate to that ef-

(5).

feet should be given him. These certificates were called scrip. Did any of your Choctaw ancestors ever receive any such scrip from the Government? A I don't know.

Q Have you any witnesses now that you would like to introduce before the Commission? A No sir.

Q Any documentary evidence of any kind that you want to present? A No sir.

Reasonable time will be allowed this applicant in which to present documentary evidence in support of his application, also to introduce witnesses to give oral testimony if he desires.

Q Do you understand the Choctaw language? A No sir.

Q Is there anything further you want to offer in support of your claim? A No sir.

Q Have you any relatives any other members of your family who have made application except your father who has applied to-day? A No sir, that's all.

Q Any of your kin people? A Yes, I have some relatives I think--- I know they have, yes sir.

Q Can you give the names of any of your relatives who have made application? A Not their full names, no sir.

Q Do you know when they applied? A No sir, I couldn't give the date.

Q Well, what names are there as well as you can give? A Kennons..

Q Did they claim through the same common ancestor that you claim through? A Yes sir.

Q Do you remember the names of any others who claimed through the same ancestor? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Has brown eyes, dark brown hair, medium dark complexion. Has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 15, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901. *Hal Belford*

Subscribed and sworn to before me this *9* day of November, 1901.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3757.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

George H. Thompson,
Greenville, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4528 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Crenger, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Verne Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Cyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Amaron Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel L. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Josie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Follard, Crawford J. Follard, Adele Follard, Cecil H. Follard, William Richard Follard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Mahinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. H. C.

Chairman.

Registered.

MOR-3757

COPY.

Muskogee, Indian Territory, January 22, 1906.

George H. Thompson,
Greenville, Texas.

Dear Sir:

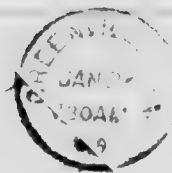
You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for your identification as a Mississippi Choctaw is a part.

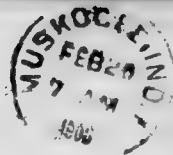
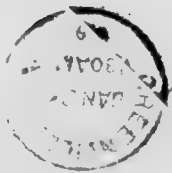
Respectfully,

RECEIVED

JAN 23 1906

Commissioner.





Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

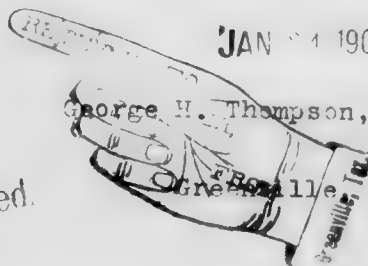
2-25



JAN 24 1906

George H. Thompson,
Greenville, Texas.

Unclaimed.



3757
JAN 20 1906

No. 3757

For Identification as a Mississippi Choctaw.

Date OCT 13 1901

Name George N. Thompson

Age 21 Blood — ~~not known~~

Post Office, Sumville, Texas,

Father: George Thompson, &

Mother: Mary E. Thompson, &

Claims through father -

~~Children.~~

Claims for self
alone -

Stenographer Nae B. B. B.

Choctaw MCR 3758

Peter Yarborough

See MCR 3419

MCR 3758

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 15, 1901.

98755.

In the matter of the application of Peter Yarborough
for the identification of himself and his minor child as Mississippi
Cheetaw.

Applicant not represented by Attorney.

Peter Yarborough, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q What is the name--your name? A Yarborough---Peter Yarborough.
Q What is your age, Mr. Yarborough. A I was thirty-six years old
the 8th day of last September.
Q What is your Post Office address? A Sherman, Grayson County.
Q How long have you lived at Sherman? A I was born and raised in
that town.
Q That is what county? A Grayson County.
Q What is your father's name? A Harrel Yarborough----signs his
name B. B. Harborough.
Q Is he living? A Yes, sir.
Q What is his age? A He was seventy-two years old the 3rd day of
last April.
Q What is your mother's name? A Caroline Yarborough.
Q Is she living? A No, sir, she died the 31st day of November, '88.
Q Through which parent do you claim Cheetaw blood? A Through my
mother.
Q How old was your mother when she died? A She was somewhere in
the neighborhood---between sixty and sixty-five---I don't re-
member.
Q How old is she and was sixty-five? A Somewhere along there---
I don't remember.
Q How much Cheetaw blood do you claim? A Why, my grandfather was
a half Cheetaw---I suppose you would call me one-eighth or some-

(2).

- where along there. Would that be right?
- Q Yes sir. Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities, of the Authorities of the United States in the Indian Territory? A Why, they never tried for it at all as I know of.
- Q When and where was your mother born? A In Mississippi, as far as I know----Alabama or Mississippi one.
- Q Born in Alabama was she? A I reckon so----I couldn't say positively.
- Q You can't say surely? A No sir.
- Q You don't know whether it was Mississippi or Alabama? A No sir, they lived in both states, Mississippi and Alabama, and I don't know whether she was born in Mississippi or Alabama.
- Q Do you know positively that she was born in one state or the other? A Yes sir. I have heard her speak about it, but it's been so long I don't remember.
- Q What was the date of her birth----if you remember? A I don't remember that----ought to know too, it's on her tombstone.
- Q You say she died in 1868? A Yes sir.
- Q And was how old when she died? A She was somewhere in sixty.
- Q She was born in 1830 or before that time then wasn't she? A I think she was born in '27.
- Q Well now, do you know whether she had a family of children living in either Mississippi or Alabama in 1830? A We was all born in Texas. My oldest brother was born in Mississippi, and the balance of us in Texas.
- Q What is the name of the ancestor through whom your mother claimed her Choctaw blood? A Peter Tittle, her father.
- Q When did he die? A I don't know.
- Q Where did he die? A Died in Mississippi----Houston, Mississippi.
- Q You don't know what time? A No sir, I don't.
- Q You don't know how old he was? A I think in '55, but this is the way I get at that----pa, he come to Texas in '52.
- Q Was he the head of a family in Mississippi in 1830----that is, did he have a family in Mississippi in 1830 or not? A I don't know.
- Q Or in Alabama? A I don't know. He----.
- Q Were you going on to say something about him? A Why as I started to say, pa said that they went back there in the Fall of '55 to wind up their affairs in Mississippi----to wind up the estate. That's all I know about it. There is an old Dicky that was given to pa in slavery time, that ma's people give to him, and he said it was in '55 they went back there.
- Q And he died there? A He died in Mississippi, in Houston.
- Q He went back from where? A From Texas----Grayson County Texas.
- Q Well, you can testify to that now that your memory has been refreshed, is that date right, died in '55. A Yes sir.
- Q Did you answer the question when and where your father and mother were married? A They was married in Mississippi so I have been told.
- Q The date----can you give it? A No sir, I can't.
- Q Can you get evidence of their marriage do you think? A I think not. Houston was burned up you know, and there's no record.
- Q Can you get the testimony of witnesses----anybody who was present or the minister who married them? A I don't know whether I could or not. Of course I could ask my father, he might be able to do so.

(3).

Reasonable time will be allowed the applicant in which to introduce evidence of the marriage of his father and mother.

- Q Prove this if you can. You will be given time, at least, to do so. Are you married? A Yes sir.
- Q What is your wife's name? A Her maiden name?
- Q No, just her name as it is? A Nellie Yarborough.
- Q H-e-l-l-i-s-----is she a white woman or an Indian? A White woman.
- Q Do you make any claim for her? A No sir.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Just one.
- Q What is that child's name? A Lillie Yarborough.
- Q Lillie? A Yes sir.
- Q How old is she? A She'll be fourteen years old the 25th day of this coming April.
- Q You claim for yourself and this child, do you? A Yes sir. There's one question I want to ask you. I have a niece that her guardian is dead. My brother's child---her father and mother both is living----
- Q Her father and mother living? A No, both dead, but her guardian W. H. Yarborough made application here----I don't know whether he put her in or not.
- Q Did he himself make application? A Yes sir.
- Q Who is taking care of the child now? A She's at the Convent there in Sherman.
- Q Who has her in charge----who pays her tuition? A Well, there's no action been taken since his death, you know.
- Q W. H. Yarborough? A Yes sir, W. H. Yarborough, Jr.

The records of the Commission being consulted show that application has previously been made for Anna B. Yarborough the child, above referred to.

- Q So that is all right, and that is all you have to make application for? A Yes sir.
- Q Is Nellie Yarborough the mother of Lillie Yarborough? A Yes sir.
- Q When and where were you married to your wife, Nellie? A I was married at Stringtown, in this territory.
- Q Where? A Stringtown up here.
- Q By a minister under a license? A I was married by a minister----no license at all.
- Q No license at that time? A No sir.
- Q Well, there's a record of your marriage, is there, anywhere? A He said he'd make a record of it, I don't know.
- Q Reasonable time will be allowed you in order to introduce evidence of your legal marriage to your wife in support of the application you make for this child. Is your name or the name of your child on any of the tribal rolls of the Cheataw Nation in the Indian

(4).

- Territory---that is, have you ever been enrolled as an Indian? A No sir, not as I know of.
- Q Did you ever make application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you ever make application for yourself or your child for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation, by either the Choctaw Tribal Authorities or the United States Court in Indian Territory or the Dawes Commission? A No sir.
- Q Is this the first application of any kind that you have ever made for yourself or child for citizenship in the Choctaw Nation to any authority? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of this child as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir, not only what I have been told.
- Q Did you ever read it or have it explained to you? A Why, I have read it over some.
- Q The treaty of 1830, sometimes called the Treaty of Dancing Rabbit Creek, was made in Mississippi at a place called Dancing Rabbit Creek in that State, on the twenty-seventh day of September of that year, and was made for the purpose of removing all of the Choctaw Indians from Mississippi and Alabama---what was called the old Choctaw Nation in those two states, to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evidenced that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. An article you know, in a treaty, is one of the sub-divisions of it. A Yes sir.
- Q Article fourteen of that treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

(5).

- Q Do you think you understand that article sufficiently to claim under it? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article as you have heard it read? A I don't know whether they did or not.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in the year 1830? A I don't know. I never was there but once, and that's been twenty years ago.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Peter Tittle.
- Q What kin was he to you? A He was my grandfather----my mother's father.
- Q Your mother's name was Caroline Yarborough, or Tittle? A Yes sir.
- Q And she was born before 1830? A Yes sir, I think in '29 or '27.
- Q How was he living there in Mississippi or Alabama----Peter Tittle in 1830? A Yes sir, he was living there in one or t)other----I think in Mississippi but I wouldn't be positive.
- Q In 1830? A Yes sir.
- Q Do you think he was living in one state or the other? A Yes, I have heard him speak of it often.
- Q And your mother you say was born in 1827? A Yes sir, I think so.
- Q Do you know through which parent he claimed his Choctaw blood----father or mother? A His mother.
- Q What was her name? A My father so told me. What was his name?
- Q No, her name was what? A Seems to me like pa said it was Smith, but I wouldn't be positive about that.
- Q You don't know her first name? A No sir.
- Q Well, she married Tittle didn't she? A Yes sir.
- Q Her first name was Smith? A Yes sir.
- Q But you can't think of her given name? A No sir.
- Q Do you know whether she lived in Mississippi or Alabama? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama in 1830? A I couldn't say.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830, or any time before that? A I couldn't say that----I don't know.
- Q Did any of them go from Mississippi or Alabama to the new Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I couldn't say whether they did or not.
- Q Did any of them within six months after the ratification of that treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi under article fourteen of that treaty as Choctaw Indians? A Not as I know of.
- Q Did they receive or claim any land or any benefits at all under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty that you ever heard? A I never heard.
- Q In accordance with the provisions of the fourteenth article of the treaty of 1830, the United States Indian Agent, Colonel Ward who lived in Mississippi at that time was instructed by the Government to make a list of the names of all of the Choctaw Indians

(6).

who came to him at his office within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States. This Agent neglected to do this. He put upon his list called Ward's register the names of very few of the total number of Indians who did go to him within six months and make that claim, and as a result of his neglect a great many Indians who lived in Mississippi and had land there upon which they had improvements had both the land and the improvements taken away from them by the government, and they were sold at the public land sales of the Government. This was a hardship on the Indians and caused a great many complaints all due to the neglect of the Indian Agent, so that in 1837 Congress appointed a Commission under an Act of Congress approved March 3, of that year, and that Commission went to Mississippi, and made a list of the names of all successful applicants who appeared before them and proved their right to benefits under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose and this Commission made a list of all the names of successful Indians who claimed under article fourteen. Do you know whether any of your ancestors----Peter Tittle or any of them or any of their descendants went before either of those Commissions and claimed any benefits under article fourteen of that treaty? A No sir, I don't know.

- Q The Act of Congress approved August 23, 1842 provided that if any Indian claimant----Choctaw claimant proved his claim before it under article fourteen, and if it further appeared that he had had his land taken from him by the Government that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that he should receive a certificate to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not as I know of.
- Q Have any relatives of yours appeared for identification as Mississippi Choctaws, either to-day or any other time? A Yes.
- Q George Thomas? A He's a cousin of mine.
- Q George H. Thompson, son of George Thompson? A That's Homer--- yes sir, he's a cousin of mine.
- Q Cousins----now they claim through Kizsiah Brashears and Peter Tittle. A Yes sir.
- Q Through whom do you claim? A Peter Tittle.
- Q Not Kizsiah Brashears.
- Q No sir, that's his father's.
- Q Do you want their testimony referred to and made a part of yours that you may get the benefit of what they have sworn to in regard to this common ancestor, Peter Tittle? A Yes sir, I would like to have it.
- Q Have you any documentary evidence or any witnesses before the Commission now you would like to call? A None now, I would like.
- Q Like time? A Like Time.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of this application, and also to furnish oral testimony of witnesses if he desires

(7).

A How much time will that be.

Q Thirty or sixty days if necessary. A Is that the longest time?
Q Well, if it's absolutely necessary to take more time you will be allowed more time, but we don't want to put it off too long because judgments will be written up and we would like to get the testimony all in as soon as possible.

Q Do you speak Choctaw or understand that language? A No sir.

Q Is there anything more you want to say now? A No sir, not that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion, blue eyes, brown hair. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 16, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 9th day of November, 1901

Charles H. Sawyer

Notary Public.

McKeesee, Indian Territory, January 9, 1902.

William W. Yarborough, Jr.,
Sherman, Texas,

Dear sir:

Receipt is hereby acknowledged of the affidavit of John Lewis which is offered for filing in support of the applications for identification as Mississippi Choctaws of William W. Yarborough Jr., et al, and Peter Yarborough, et al. The same has been filed with the records in these cases and will receive consideration. If you desire to offer additional evidence, the Commission will hear the testimony of such witnesses as may produce themselves in person in support of your applications, at its office at Muskogee, Indian Territory. If your witnesses live in Mississippi they may be heard at the office of the Commission at Meridian, Mississippi, between January 15 and February 15, 1902. The Commission is sworn to accept affidavits in support of applications for identification as Mississippi Choctaws and others, when it is possible, to examine witnesses in person. If it is impossible for you to secure the personal attendance of your witnesses because of non-residence or on other account, which, under the rules of the Commission, would constitute inability, their statements will be considered if taken in accordance

W.H.T. 2

with the regulations of the Commission governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said regulations is inclosed herewith for your information.

Yours truly,

Rules for taking
depositions.

Commissioner in Charge.

MC 3419
MD 3768

COPY.

Muskogee, Indian Territory, August 5, 1903.

Peter Yarborough,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 5th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Yarborough, Jr., et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Yarborough, Jr., et al., M C R 3419
Peter Yarborough, et al., M C R 3758

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Yarborough, Jr., Emma Caroline Yarborough, Anna Bell Yarborough, Peter Yarborough and Lillie Yarborough, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

PY 3

fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

Registered

COPY:

H.C.R. 3753.

Muskogee, Indian Territory, December 5, 1903.

Peter Yarborough,

Sherman, Texas.

Dear Sir:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Yarborough, Jr. et al., of which decision you were advised by registered mail on the 5th day of August, 1903.

Respectfully,

Tams Birby.
Chairman.

For Identification as a Mississippi Choctaw.

Date OCT 15 1901

Name Peter Yarborough

Age 36

Blood $\frac{1}{8}$.

Post Office, Sherman, Texas.

Father: B. B. Yarborough - I.

Mother: Caroline " d

(Claims through Mother. — "
wife, Mollie Yarborough - w,
No claim for wife -

Children:

Lillie Yarborough - 14

Claim for self &
Child -

Stenographer Hae. Buford

Choctaw MCR 3759

Ida Sandford

See MCR 4006

MCR 3759

Department of the Interior.
Commissioner to the Five Civilized Tribes.
Atoka, Indian Territory, October 20, 1901.

58700.

In the matter of the application of Ida Sandford for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Ida Sandford, being first duly sworn, upon her oath
testified as follows:-

Examination by the Commission.

- Q What is your name? A Ida Sandford----S-a-n-d-f-o-r-d .
Q What is your age? A Forty-one.
Q What is your post office address? A Sherman.
Q Sherman Texas? A Yes.
Q How long have you lived in Sherman? A I was born in two mile
of Sherman.
Q Always lived near there? A Yes sir.
Q Right in that County? A I live in the same County I was born in.
Q That is Grayson County, isn't it? A Yes sir.
Q What is your father's name? A E. J. C. Thompson.
Q E. J. What? A E.
Q C. Thompson----is he living? A No sir.
Q Is your mother living or dead? A She's dead.
Q What was her name? A Terressie, but she was commonly called
Dessie. Her name was Terressie but she was called Dessie.
Q T-e-r-r-e-s-s-i-e ? A Terressie.
Q Through which parent do you claim your Choctaw blood? A On both
of them.
Q Both father and mother? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know. About as
much as the rest of them but I don't know I can't tell.
Q How much is that? A About one-eighth I suppose.
Q You don't know do you? A No sir.
Q Well, if you say one-eighth will you be able now to figure out

(2).

- how you get that eighth? A Well, I don't know what the evidence is, no how.
- Q If you testify to any quantity why you want to be able to show it.
A Well, I don't know what it is.
- Q You don't know? A No sir.
- Q How old would your father be if he were living now? A He was borned in 1820.
- Q Born in 1820----where was he born? A In Alabama.
- Q Do you remember the day of the month he was born? A Sixth of October.
- Q Sixth of October, 1820, in Alabama----when and where was your mother born? A She was born in Alabama.
- Q And what time? A 1829.
- Q 1829? A Yes sir.
- Q What place in Alabama? A In Walker County she always said, but I was very small when she come from there----nothing but a baby.
- Q They neither of them lived in Mississippi? A They both lived in Mississippi.
- Q But they were born in Alabama? A Yes sir.
- Q Where did your father die? A Sherman, Texas.
- Q Do you know when? A 18th of October, 1890.
- Q When and where did your mother die? A At Sherman.
- Q In Sherman? A Well, we live three miles and a half or four miles from there.
- Q What time? A October 7th.
- Q October 7th, 1890? A Two, eighteen ninety-two.
- Q When did your father live in Mississippi? A They was married in '45 and he'd been there a good while----I don't know when he come to Mississippi.
- Q When did your mother live in Mississippi? A Ever since she was just a child. The little thing migrated from Alabama when she was just a child.
- Q Where did she go from when she went to Mississippi? A I don't know where they lived first but then they lived at Houston, Mississippi.
- Q Lived there a good while? A Yes sir, she was raised in Houston.
- Q When and where were your father and mother married? A Houston, Mississippi.
- Q Houston Mississippi----when? A In '45
- Q Do you remember the day of the month? A December, the 4th.
- Q December 4, 1845----have you the marriage license and certificate of their marriage? A No sir.
- Q Do you think you could produce evidence of their marriage if given time? A Nothing only the records here calls for their marriage.
- Q You have your bible records that shows their marriage? A Yes sir, we had a bible at home but it got torn up.
- Q Have you those certified to----those records? A No sir.
- Q Do you intend to present them after having them certified to? A If necessary.
- Q Well, you want to prove their marriage. You can have certified copies of that made if you like.

Reasonable time will be allowed this applicant in which to introduce the proper evidence or proof of the marriage of her father and mother.

(3).

- Q Through which parent did your father claim his Choctaw blood?
A Through his mother.
- Q Through his mother----what was his mother's name? A Kissiah Brashear.
- Q How? A Kissiah Brashear.
- Q Kissiah Brashear----K-i-s-s-i-a-h B-r-a-s-h-e-a-r. Through which parent did Kissiah Brashear claim her Choctaw blood do you know? A No sir.
- Q When did she die? A I don't know.
- Q You don't know about that? A I don't know the date.
- Q Do you know where she died? A She died in Grayson County.
- Q Grayson County Texas? A I don't know whether it was Grayson County or Collin. I think it was Collin right on the line.
- Q You don't know when? A I don't know. I suppose we could get it off the tombstones.
- Q You don't remember now? A No sir.
- Q Do you know how old she was when she died? A I do not.
- Q Do you know where she was born? A No sir.
- Q You don't know anything more about her than you have already testified? A No sir, I don't know anything about her.
- Q Did she have any Choctaw blood----if so how much if you know? A I don't know.
- Q Did she have an Indian name, that is a Choctaw Indian name. You knew her English name is Kissiah Brashear, now did she have an Indian name? That would be entirely different from an English name, you know. A I don't know.
- Q Well now, do you claim through your mother as well as your father? A Yes sir.
- Q And your mother claimed through which parent father or mother? A Father.
- Q What was his name? A Peter Tittle.
- Q Peter Tittle----do you know anything about his father and mother? A Do not.
- Q What their names were, where they lived, died and were born? A No sir.
- Q Where did he die----Peter Tittle? A Houston, Mississippi.
- Q How old was he when he died? A I don't know.
- Q You don't know----where was he born? A I don't know that.
- Q Did he ever live in Mississippi? A Yes sir.
- Q Was he living in Mississippi in 1830----or Alabama? A He either lived in one or t'other of the places.
- Q You don't know which one? A No sir.
- Q Was Kissiah Brashear living in Mississippi or Alabama in 1830? A In Alabama I suppose----I don't know.
- Q Have you any documentary evidence of any kind, or any witnesses you would like to have examined here before the Commission who can testify more about Kissiah Brashear or Peter Tittle, their having Choctaw blood, or whether they complied with article fourteen of the treaty of 1830. Have you anybody here that you want to call to testify? A No sir, not now.
- Q Do you think perhaps you could supply this testimony if given time? A Yes sir.
- Q Were your parents ever recognized in any way or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A I don't know.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A J. B. Sandford.
- Q What is he----an Indian? A No, he's a white man.

(4).

- Q You don't make any claim for him then? A No sir.
- Q Do you make claim for anybody else except yourself? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for enrollment as a citizen of the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities. A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that treaty----that article? A I don't know whether I do or not.
- Q Did you ever read it? A No, I never have.
- Q Ever have it explained? A No sir.
- Q Now could you tell any of the provisions of article fourteen of that treaty? A No, I could not.
- Q Just how it affects your case----can you tell? A No sir.
- Q Do you want it explained? A Yes sir.
- Q You know what a treaty is, do you? A Yes sir.
- Q It is a contract in writing, or more properly speaking, a compact and it is called a treaty because it is made between nations instead of between individuals. Contracts and agreements in writing are made between people, and this is substantially the same thing but it is made between Nations instead of people, divided into articles numbered from one up to as many articles as it has in it. Sometimes it has a supplement added to the main treaty after it is signed, and the supplement is also signed and is often subdivided into articles. Such a treaty was made in 1830 at a place called Dancing Rabbit Creek in Mississippi between the Choctaw Nation and the United States Government. The object of it was the removal of all of the Indians who lived in the old Choctaw Nation which was partly in Mississippi and partly in Alabama, to the new Choctaw Nation in the Indian Territory. The object of this removal was to give the Indians a tribal government where they could be undisturbed by the encroachments of the Whites or any other Indians, but before the treaty was signed it became evidenced that a good many Choctaw Indians would not go to the new Choctaw Nation in the Indian Territory, and in order to protect their interests some provision had to be made in the treaty. That provision was all embodied in article fourteen and that article was adopted as part of the treaty. Now article fourteen reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six

(5).

months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you understand that article of that treaty? A I think I do.
- Q As explained to you----about as well as you will, don't you?
- A Why, I think I understand what you read.
- Q You understand the object of that article don't you? A Yes sir.
- Q Why it was put into the treaty. Now did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of that article fourteen as read and explained to you? A Not as I know of.
- Q You don't know? A No sir.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did Kiziah Brashears live either in Mississippi or Alabama in 1830? A Yes sir.
- Q Now do you know which state she lived in at that time? A I think she lived in Alabama.
- Q Did she have children living with her at that time? A Yes sir.
- Q Did Peter Tittle live in Mississippi or Alabama at that time? A Yes sir.
- Q Did he have a family? A Yes sir.
- Q Was he the head of a family at that time? A Yes sir.
- Q Which state did he live in----if you know positively? A I don't know positively.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama in 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama in 1830? A I don't know.
- Q Did they ever, any of them, come from Mississippi or Alabama to the Indian Territory with the other Indians between 1830 and 1838? A I don't know whether they did or not.
- Q Did any of them within six months from the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi or Alabama in 1830, or any benefits from the Government as Choctaw Indians, do you know? A No sir, I do not.
- Q Did any of your Choctaw ancestors claim any land or benefits

(6).

whatever under any other article of the treaty of 1830 than article fourteen, or under the supplant of that treaty? A Not as I know of.

- Q In accordance with the provisions of article fourteen of the treaty of 1830, the United States Indian Agent, whose name was Colonel Ward, was instructed by the government to make a list of the names of all Choctaw claimants who came before him within six months from the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi, take land there, and become citizens of the States. He neglected to do this, so that Ward's Register contains the names of only a very few of all of the Choctaw Indians who did that. This neglect on the part of the Indian Agent to make a complete list of all claimants who claimed benefits under article fourteen of that treaty, caused a great many Choctaw Indians who held land in Mississippi to lose the land and the improvements upon the land. It was sold---they were both sold by the Government at their public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 the Commission was appointed, which commission went to Mississippi and heard claimants under article fourteen of that treaty, and put the names of all successful claimants on lists prepared by it. In 1842 another Commission was appointed for the same purpose, and they made lists of successful claimants under article fourteen. Did Kissiah Brashear, Peter Tittle, or any of your Choctaw ancestors ever go before either of those two Commissions and claim benefits under article fourteen of that treaty, do you know. A I don't know whether they did or not.
- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all of the provisions of article fourteen of the treaty of 1830, but if his land had been taken from him, he should be entitled to select land in either Mississippi, Louisiana, Arkansas or Alabama, to be taken from vacant government land and should receive a certificate to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government of the United States as Choctaw Indians? A No sir, I don't.
- Q Have you any documentary evidence of any kind you would like to introduce now? A No.
- Q You have something there you will introduce later? A Yes sir.

A reasonable time will be allowed this applicant in which to introduce documentary evidence in support of this application which she makes for herself.

- Q How much Choctaw can you talk? A None.
- Q Have you any relatives that have come before the Commission to-day? A Yes, my brother and nephew I believe is all.
- Q George Thompson---what relation to you? A He's my brother.
- Q George H. Thompson? A Nephew.
- Q Peter Yarborough? A He's my cousin. Mrs. Kennon made application here a few months ago.

(7).

- Q What is her name? A Anna A. Ganen.
- Q Claiming through which ancestor? A Tittles and Brashears both.
- Q Do you want to have the testimony of these applicants considered with yours that you may get the benefit of what they have testified to? A Yes sir.
- Q Is there anything more you want to state in support of your claim anything you can think of? A No sir---my grandfather spoke the Choctaw language.
- Q Did Peter Tittle speak the Choctaw language? A Yes sir.
- Q That is your grandfather? A Yes sir.
- Q What was his Choctaw name? A They called him Toek.
- Q How do you spell that? A I don't know. They called him Toek. Given name you know. I don't know whether that's the way it was pronounced or whether they just give him a nickname or what, but that's what they called him.
- Q Do you know whether that nickname was an Indian name or not? A I do not. They called him that---that's all I know about it.

This applicant has the appearance and physical characteristics of being descended from white parentage. Has blue eyes, medium dark complexion, and brown hair. Has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 18, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 9th day of November, 1901.

Charles H. Sawyer

Notary Public.

M.C. 3759

Muskogee, Indian Territory, March 8, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter the fourth instant, inclosing certified copy of marriage license and certificate between J. H. Sanford and Ida Thompson offered in support of the application of Ida Sanford for identification as a Mississippi Choctaw. The same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

COPY.

REFER IN COPY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M. C. R. 3759.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

Ida Sandford,
Sherman, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

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|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

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|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Crenger, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bend, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Malhe T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Gessman A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earls Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Doughlass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson, Chester William Noc, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signature)

(Signature)

Chairman.

Registered.

WCH-3719

COPY.

Muskogee, Indian Territory, January 12, 1906.

Ida Sandford,

Cherokee, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 8, 1906, affirmed the decision of the Commissioner of the Five Civilized Tribes of May 1, 1903, refusing the applications of the several persons included in the so-called "disfranchisement" case of Scott A. Sumner, et al., of which, the application for your identification as a disfranchised person is a part.

Respectfully,

Commissioner.

No. 3759

For Identification as a Mississippi Choctaw.

Date OCT 15 1901

Name *Ida Sandford*

Age *41* - Blood *don't know*

Post Office, *Sherman, Texas,*

Father *E. J. C. Thompson, d*

Mother *Teressie " d*

Claims through father & mother
James I. B. Sandford, w.
No claim for mother

~~Children~~

Claims for ref. ~~also~~

Stenographer *Mac. Belford*

Choctaw MCR 3760

Lula Thompson Noe

See MCR 4006

MCR 3760

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 18, 1901.

#3760.

In the matter of the application of Lula Thompson Nee
for the identification of herself and her minor child as Mississippi
Cheetaws.

Applicant not represented by Attorney.

Lula Thompson Nee, being first duly sworn, upon her
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Lula Thompson Nee.
Q What is your age? A Twenty-nine.
Q What is your Post Office address? A Sherman Texas. Do you want
the Street Number?
Q Yes. A 310 West Jones.
Q What is it? A 310 West Jones Street.
Q How long have you lived at Sherman? A Well, I have been raised
there.
Q Always lived there in that County? A I have always lived in
Grayson County, yes sir.
Q Grayson County---what is your father's name? A R. J. C. Thompson.
Q Is he dead? A Yes sir.
Q What is your mother's name? A Teressie Thompson.
Q T-e-r-e-s-s-i-e, is she dead? A Yes sir.
Q Through which one of these parents do you claim Cheetaw blood?
A Father and mother---both of them.
Q How much Cheetaw blood do you claim? A I don't know.
Q Have your parents ever been recognized in any way or enrolled as
members of the Cheetaw Tribe of Indians, by either the Cheetaw
Tribal Authorities, or the United States Authorities in the In-
dian Territory---that is, have they ever been recognized as In-
dians here in the Cheetaw Nation? A No sir, I guess not.
Q How old would your father be if he was living now? A Father was

(2).

born in 1820.

- Q Where was he born? A In Alabama, I think.
- Q He was born in Alabama in 1820? A Yes sir.
- Q What date, in 1820? A Sixth of October.
- Q Sixth of October, 1820, in Alabama----through which parent does he claim his Choctaw blood? A Through his mother.
- Q What was her name? A Well, I have heard grandmother's name, but I don't remember. I don't know----what was that question?
- Q Through which parent does he claim his Choctaw blood? A My father?
- Q Yes? A Through his mother, Kissiah Brashear.
- Q Kissiah Brashear, then, is her maiden name? A Yes sir.
- Q And she married a Thompson? A William J. Thompson.
- Q How much Choctaw blood did Kissiah Brashear have? A I don't know.
- Q Was she living in Mississippi or Alabama in 1830? A 1830----papa was born in 1820----I guess she was. He was only ten years old though.
- Q Well, do you know? A I know she was living in one or the other place.
- Q Do you know when she died? A No, I couldn't give the date.
- Q Do you know where she died? A In Texas----in Collin County.
- Q How old was she when she died----do you know? A No sir, I don't.
- Q Your mother is dead----when did she die? A My own mother?
- Q Yes, Teressie. A She died in '92, 7th of October.
- Q How old was she when she died? A Let me see----mamma was born in '29.
- Q '29, what day of the month? A April 15th----no November 15th----November 15th.
- Q Where was she born? A In Alabama.
- Q Through which parent did she claim her Choctaw blood? A Her father----Peter Tittle.
- Q Peter Tittle----how much did he have, do you know? A No sir, I don't.
- Q Did he speak the Choctaw language? A Yes sir.
- Q How do you know he did? A Well, I have had my parents tell me so and then I have heard others say so.
- Q White people say that knew him? A Yes sir.
- Q How did he look----what was his personal appearance, do you know? A My grandfather?
- Q Peter Tittle? A I never saw him.
- Q Did you ever hear anybody say how he looked that did see him? A I don't know----I never saw grandfather.
- Q You don't know? A I couldn't say.
- Q Your father was born where? A In Alabama.
- Q In Alabama in 1820? A Yes sir.
- Q And from Alabama he went where? A To Mississippi.
- Q And when did he go there, do you know? A No sir, I don't know when he went to Mississippi.
- Q Do you know where he lived in Mississippi? A Why, he lived at Houston----he was married there.
- Q Where was your mother born? A Mamma was born in Alabama.
- Q And she went from there to Mississippi? A When a child with her father and mother.
- Q Six months old was she? A No sir, I don't know how old.
- Q Well now was she living in Houston and was married to your father there? A In Houston, Mississippi.
- Q Do you know what date they were married? A December 4, 1845.
- Q By a minister, under a license? A They was married by a judge.

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- Q By a Judge? A Yes sir.
- Q Have you proof of their marriage? A I haven't with me, no sir.
- Q You think you can introduce that evidence of their marriage?
A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A John W. Noe.
- Q Is he a white man or an Indian? A White man. I am the Indian.
- Q You don't make any claim for him then? A No sir.
- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes sir, I have a little baby boy.
- Q How old is he? A He'll be three months old the 23rd of this month---of October.
- Q And his name is what? A Chester William Noe.
- Q When and where were you married to your husband, John W. Noe?
A 16th of April, 1900.
- Q You were married by a minister? A Yes sir.
- Q Under a license? A Yes sir.
- Q And where were you married? A Sherman.
- Q Sherman, Texas---John W. Noe is the father of Chester W? A Yes sir.
- Q You claim for yourself and this child, do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been made a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation before this time, to either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Do you now come before the Commission at this time to identify yourself and this child as Mississippi Choctaws under article fourteen of the treaty of 1830---do you claim under that article fourteen? A Why, I don't know. The same as the others do.
- Q Do you understand article fourteen of that treaty? A Well, I have heard it read and explained---have heard you read it twice this morning. Then I heard it when I was here before read. But then I wouldn't say that I thoroughly understood it, because I don't.
- Q Well now, let's see if it can't be explained to you so that you will say that you do understand it. You know what a treaty is?
A Yes sir.
- Q You know what a treaty is in writing. You know what a contract is in writing between persons. One person contracts to do something for another, and they put it in writing and both sign it.
A Yes sir.
- Q Well, a treaty is a compact in writing, but instead of being made between individuals is made between nations---that is, a nation on the one side and a nation on the other. Now such a treaty was made between the Choctaw Nation and the United States Government in 1830, in that year, called the treaty of Dancing Rabbit Creek sometimes, because it was made at a place called Dancing Rabbit Creek in Mississippi. Now the object of that agreement or compact or treaty was to get all of the Choctaw Indians who lived in

(4).

the old Choctaw Nation to go to the new Choctaw Nation----just move them bodily from one part of the country to another part of the country. They could not be moved without agreeing to go, and their agreement to go was put into the treaty which they signed. It was binding upon them after their representatives signed it. But before it was signed the government found out----the United States Government found out that a good many Choctaw Indians wouldn't go---just wouldn't go, that was all there was to it. Some provision had to be made for them in that treaty. The government hoped that afterwards they would go, if they wouldn't go then so article fourteen was put into the treaty. An article is a part of a treaty, just a part of it, all treaties have articles from one up to as many articles as there are in a treaty. Now article fourteen was put into that treaty to protect the interests of these Choctaw Indians who at that time wouldn't go with the other Indians to the new territory across west of the Mississippi River----this country here. Now these people who stayed in Mississippi could become citizens of the State of Mississippi or of the United States, could remain in Mississippi and take land there, and in five years time if they lived on it all that time could get a deed to it from the government provided they did certain things. They had to do this----every Indian who stayed back in the old Choctaw Nation had to go within six months after that treaty was ratified, you see they were limited as to time---had to do it within six months time, and tell him, they had to tell him when they went there that they intended to stay in Mississippi and take land there, that is that they wanted to do that, were going to do it, wanted him to take their names down to that effect on paper. If they did that and lived on the land five years they got a deed to it---got a deed to it, and if they did that whether they lived on the land for five years or not if they afterwards wanted to cross the Mideissippi River and come west to this Choctaw Nation Indian Territory, they could then become citizens of this Choctaw Nation here, and they couldn't become citizens of the Choctaw Nation Indian Territory unless they did that, that is unless they went to the agent within six months after the ratification of the treaty and told him they wanted to stay back there and take land there and become citizens of the United States. That was necessary----they must do that. Afterwards they could come to the Choctaw Nation Indian Territory and become citizens in that nation if they did that. Now my question to you is this---do you know if any of your Choctaw kin your ancestors, that is, that you say lived back there in Mississippi or Alabama who had Indian blood, did any of them go to the Agent and tell him those things? Did they go and tell him that they wanted to stay in Mississippi and take land there, or in other words did they comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

- Q Well now you understand that do you? A I think I do.
- Q It isn't so hard to understand. You think you do understand it now so that you can claim under it, do you? A I think I do.
- Q Well now, do you know if any of your Choctaw ancestors complied with any of the provisions of article fourteen as explained to you? A I don't know.
- Q You don't know? A No sir. I am much younger than all the rest of the children. I have never heard the ancestry talk.
- Q You never heard whether Peter Tittle did, or whether Kianiah Brashar did, or any of their ancestors or any of their descendants? A No sir, I don't know.

(8).

- Q Did any of your Choctaw Ancestors own any improvements on land in Mississippi or Alabama in 1830 or any time before that? A The Choctaw land.
- Q Yes, in the Choctaw Nation in Mississippi or Alabama? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830----I have already described that to you----go to the United States Indian Agent and tell him that they wanted to take land in Mississippi and live in Mississippi do you know? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830, do you know? A I do not.
- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty----do you know? A I don't know.
- Q Now according to the provisions of article fourteen of the treaty of 1830, the United States Indian Agent, Colonel Ward, was required by the United States Government to make a list of the names of all Choctaw Indians who went to him within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. The United States Indian Agent failed to make a complete list of all claimants who came before him. A Was he the one that was considered to be so cruel to the Indians?
- Q Yes he was the same. A Well, I have heard about him.
- Q But Ward's register contains the names of very few Choctaw Indians who did appear before him within the time limited in article fourteen. His neglect caused many Indians who lived in Mississippi and Alabama and had land there to lose their land. It was sold by the government together with the improvements they had on it. This caused a great many complaints among the Indians so that in 1837 a Commission was appointed by Act of Congress of that year, and this commission went to Mississippi and heard a great many claimants under article fourteen and approved the claims of a great many and made lists of their names. In 1842 another Commission was appointed for the same purpose and this Commission also made a list of the names of successful claimants under article fourteen. Did any of your ancestors, did Peter Tittle, or Kishiah Brashear, or any of her ancestors or any of their descendants go before either of those two commissions, that of 1837, or the Commission of 1842, and claim any benefits under article fourteen of the treaty of 1830----do you know. A I do not.
- Q The Act of Congress approved August 23, 1842, provided that if any claimant came before it and proved his claim under article fourteen of that treaty, and if it also appeared that that claimant had lost his land previously that he should be entitled to select land either in Mississippi Louisiana Alabama or Arkansas to be taken from vacant government land, and that a certificate to that effect should be issued to him. The certificates were called scrip. Do you know whether any of your Choctaw ancestors received any such scrip from the Government? A I do not.
- Q Have you any documentary evidence you would like to introduce now

(6)

in support of your claim? A No sir.

Q Would you like time to introduce such evidence? A Yes sir.

A reasonable time will be allowed this applicant in which to introduce documentary evidence in support of her application also proof of the marriage between her father and mother and any other proper evidence that she desires to bring before the Commission.

Q Do you speak or understand the Choctaw language? A No sir.

Q Is there anything more you would like to say now in support of this claim? A I think not.

This applicant has the appearance and physical characteristics of being descended from white parents. Dark gray eyes, dark complexion, dark brown hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on October 18, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this _____ day of November, 1901.

Clara Mitchell Wood
Notary Public.

M.C. 3760

Muskogee, Indian Territory, March 8, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fourth instant, inclosing certified copy of marriage license and certificate between John W. Noe and Lula Thompson, offered for filing in support of the application for identification as Mississippi Choctaws of Lula Thompson Noe, et al.

The same has been made a part of the record in this case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON I. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3760.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Lula Thompson Noe,
310 West Jones Street,
Sherman, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaw:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
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These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcels Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Mena Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Favis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Louie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

[Signature]

[Signature]

Chairman

Registered.

MCR-3760

COPY!

Muskogee, Indian Territory, January 22, 1906.

Lula Thompson Nee,
310 West Jones Street,
Sherman, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 18, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor child, Choctaw N. Nee, as Mississippi Choctaws, is a part.

Respectfully,

Commissioner.

No. 3760

For Identification as a Mississippi Choctaw.

Date OCT 15 1901

Name *Lula Thompson Noe.*

Age *29* Blood *don't know.*

Post Office, *Sherman, Texas*

Father: *E. J. C. Thompson,*
310 West Jones St.

Mother: *Geressie* " *d*

Claims through both parents,
husband John W. Noe, - w.
No claim for husband

Children:

Chester W. Noe, 3m.

Claims for self &
Child -

Stenographer

Nae Belford

Choctaw MCR 3761

Delmer Canon

See MCR 4006

MCR 3761

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 18, 1901.

#3761.

In the matter of the application of Delmer Canon for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Delmer Canon, being first duly sworn, upon his oath
testifies as follows:-

Examination by the Commission.

- Q What is your name? A Delmer Canon.
Q What is your age? A Twenty-one.
Q What is your Post Office address? A Denison Texas.
Q What street and number? A West Gandy, 320.
Q How long have you lived in Denison, Texas? A About six weeks.
Q Where did you live before that? A Sherman, Texas.
Q How long did you live in Sherman? A Why, I didn't live in town.
Q I lived four miles away from the town.
Q How long did you live four miles from Sherman? A About eighteen
years.
Q Where were you born? A In Gentry County, Missouri.
Q Where was it? A In Gentry County, Missouri.
Q Gentry County, Missouri----how old were you when you went to
Texas? A About three years old.
Q What is your father's name? A Giles F. Canon.
Q G-i-l-e-s? A Yes sir.
Q Is he living? A Yes sir.
Q What is your mother's name? A Emma J. Canon.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your mother ever made application for identification as a
Mississippi Choctaw before the Commission? A Why, she made ap-
plication about----sometime in August.
Q Sometime in August? A Yes sir----1901.

(2).

- Q Under the name of Fern C. Canon? A Yes sir.
- Q Any others of your relatives made application? A George Thompson.
- Q George Thompson, to-day? A Yes sir. He's my uncle.
- Q George Thompson and George H. Thompson? A That's a cousin---first cousin.
- Q Peter Yarbrough? A Second cousin---Mrs. Noe's my aunt.
- Q Ida Sandford? A She's my aunt---so is Mrs. Noe.
- Q Lula Thompson Noe? A Yes sir.
- Q An aunt---these all claim through the same ancestor that you claim through? A Yes sir.
- Q Do you want their testimony considered with yours so that you may get the benefit of what they have testified to? A Yes sir.
- Q How old is your mother? A She's fifty years old.
- Q When was she born? A She was born the 29th of March, '51.
- Q Where was she born? A I don't know exactly---I believe in Mississippi though.
- Q You think in Mississippi? A Yes sir.
- Q Have you heard she was born there? A I wouldn't be positive.
- Q She claims through which parent---father or mother? A Through both father and mother.
- Q Claims through both father and mother---what is her father's name? A E. J. C. Thompson.
- Q E. J. C. Thompson? A Yes sir.
- Q When did he die? A Died in 1890.
- Q In what? A 1890.
- Q How old was he when he died? A Why, I don't know.
- Q Was he an old man? A Yes sir.
- Q Do you have any idea how old he was? A Why he was someplace in seventy, I believe. I wouldn't be positive.
- Q Was he born previous to 1830? A Yes sir.
- Q Where was he born, do you know? A I do not.
- Q Through whom did he claim his Choctaw blood---his father or mother? A Through his mother.
- Q Do you know her name? A Her name was---let's see, his mother was---what's the question now?
- Q His mother's name? A His mother's name was Kissiah Brashear.
- Q Brashear, that's the maiden name, isn't it? A Yes sir.
- Q Name after marriage was Kissiah Thompson? A Yes sir.
- Q Was she a full blood Choctaw Indian or how much did she have do you know? A I don't know.
- Q Did she have an Indian name? A I don't know whether that's an Indian name or not.
- Q Did she speak the English language? A I don't know---I think not though.
- Q Did she ever live in Mississippi or Alabama? A Yes sir, I think she did.
- Q Which state? A Why, I think she lived in both.
- Q Do you know where she was living in 1830? A No sir, I do not.
- Q Your father claimed through his mother, you say, also? A Who?
- Q Your father. A No sir.
- Q Well, who was it claimed through both parents? A That was my grandmother that claimed through both parents---No it was my mother.
- Q Now then, who was Peter Tittle? A Peter Tittle.
- Q Tittle? A Was my mother's mother's father.
- Q What was your mother's mother's name? A Mother's mother's name was Teresie Thompson.
- Q T-e-r-e-s-i-e Thompson? A Yes sir.
- Q And her father's name was Peter Tittle? A Her father? Peter

(3).

Little, you sir.

- Q How much Choctaw blood did he have? A I don't know.
- Q How do you know that Kinsiah Thompson or Peter Little either of them had Choctaw blood? A Why we have heard they had. That's all the way I know.
- Q Through whom did you hear it? A Well, it was just talked in the family. I have heard it that way is the only way I have heard it.
- Q Talked in the family----was your mother ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or by the United States Authorities in the Indian Territory? A No sir.
- Q When were your father and mother married? And where? A Married in Sherman, Texas.
- Q What time? A July 26, '75, I think.
- Q Were they married by a minister of the Gospel, under a license? A No sir.
- Q Were they married by a Justice of the Peace, I think. A Yes sir.
- Q Have you the marriage license and certificate or a copy of it? A No sir.

A reasonable time will be allowed the applicant in which to file proof of the marriage of his father and mother.

- Q Are you married? A No sir.
- Q You claim for yourself alone? A Yes sir.
- Q What evidence have you other than the evidence of your own statement and what you have heard in the family that your mother had Choctaw Indian blood, and that any of her people complied----any of her ancestors complied with the provisions of article fourteen of the treaty of 1830. Have you any evidence now that you can produce? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation either by the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory. A No sir.
- Q Did you ever make application before this time for enrollment as a citizen of the Choctaw Nation to either the Choctaw Tribal Authorities or the Commission to the Five Civilized Tribes or the authorities of the United States? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Well, I have heard it read several times.
- Q You have heard it read and explained several times? A Yes sir.
- Q Here? A Yes sir.

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- Q You have heard it explained to four or five of your relatives here in this Court? A Three or four, yes, sir.
- Q Well now, do you think you understand it well enough without a further explanation? A I don't know.
- Q How? A I don't really know. It would be best to.
- Q Well, the treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians on the twenty-seventh of September of that year, and was made for the purpose of getting the Choctaw Indians who lived in the old Choctaw Nation located partly in Mississippi and partly in Alabama to come from the old Choctaw Nation to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a good many of the Indians would refuse to go to the Indian Territory under that treaty, and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that? A Yes sir, I think I do.
- Q Do you know now whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of that treaty of 1830. A I do not.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama in 1830? A I don't know.
- Q Do you know whether any of your Choctaw ancestors received or claimed any land in Mississippi in 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the state of Mississippi or in the state of Alabama in the year 1830 when that treaty was ratified? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Or any time before that---did any of them go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them within six months after the ratification of the

(5).

treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi take land there in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A I don't know.

Q Did they ever receive any benefits under any other article of the treaty of 1830 than article fourteen or under the amendment of that treaty? A I don't know.

Q In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent whose name was Colonel Ward and who lived in Mississippi at that time was instructed to make a list of the names of all Choctaw Indians who claimed rights under article fourteen of the treaty of Dancing Rabbit Creek and who within six months from the ratification of that treaty went to Ward and told him that they wanted to stay in Mississippi and take land there and become citizens of the States. This agent failed to record the names of a great many Indians who did that, and as a result of his failure a good many Choctaw Indians who held land in Mississippi upon which they had improvements had both land and improvement taken from them by the government, and they were sold at the public land sales of the government. This caused a great many complaints on the part of the Indians so that in 1837 a Commission was appointed by Act of Congress approved March 3, 1837, and this Commission went to the State of Mississippi and made a list of the names of all successful applicants who claimed rights under article fourteen. A similar Commission was appointed in 1842 for a similar purpose. Do you know whether any of your ancestors went before the Commission of 1837 or the Commission of 1842 and claimed any benefits under article fourteen of that treaty? A I don't know.

Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select land elsewhere in the State of Mississippi or in Louisiana, Alabama or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given him. Those certificates were called scrip. Did any of your Choctaw ancestors ever receive any scrip from the Government of the United States under that Act of Congress? A I don't know.

Q Have you any documentary evidence that you would like to file now? A No sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of this case.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything more you want to say now in support of your claim? A No sir.

(6).

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium dark complexion, dark brown hair. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 18, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 12 day of November, 1901.

Clara Mitchell Ward

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3761.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Delmer Canon,
320 West Gandy St.,
Denison, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Crenger, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

| | |
|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6242 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Ison Lantrip, William T. Brasher, Malt Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moin Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jan E. McCreary, Mary C. L. Hollis, Lammie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Greunan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Paris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William F. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Mafie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Mafie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hattie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Maudie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinky Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman

Registered.

REFER IN REPLY TO THE FOLLOWING

MOB-3761

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 22, 1906.

Delmer Canon,
320 West Gandy Street,
Denison, Texas.

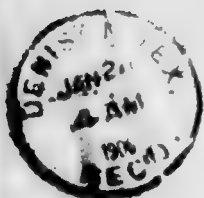
Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for your identification as a Mississippi Choctaw is a part.

Respectfully,



Commissioner.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

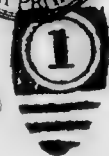
Mississippi Choctaw

Muskogee.

Delmer Canon,

320 West Gandy Street,

Denison, Texas.



U. S. DEPT. OF JUSTICE
COMM. TO THE
FILED
JUL 2 1903

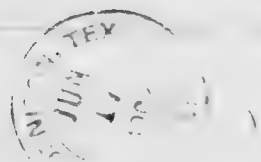
[Handwritten signature]

One copy



Ind. Ter.

15182



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

General Agent,
Sandy Hill,
McLennan, Texas.

337

UNCLAIMED,
RETURN TO WRITER.

UNCLAIMED,
RETURN TO WRITER.

No. 3761

For Identification as a Mississippi Choctaw.

Date OCT 15 1901

Name *Welmer Canon*

Age 21

Blood *Ind. Know*

Post Office, *Vernon, Texas*

320 West Sandy St.

Father; *Giles F. Canon, l*

Mother: *Emma C. Canon, l.*

Claims through *Mother* —

~~Canon~~

Claims for self alone,

Stenographer

Neal Belford

Choctaw MCR 3762

Walter Chisholm

See MCR 3591

MCR 3762

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 15, 1901.

#3762.

In the matter of the application of Walter Chisholm
for the identification of himself and his minor child as Mississippi
Choctaws.

Applicant not represented by Attorney.

Walter Chisholm, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Walter Chisholm.
Q How do you spell it? A C-h-i-s-h-o-l-m .
Q What is your age? A Twenty-five.
Q What is your post office address? A Sherman, Texas, Grayson
County.
Q Do you live in Sherman? A No sir, three miles south-east.
Q Before that you lived where? A That's where I lived all the
time----lived in the Choctaw Nation awhile in '99.
Q Where were you born? A Grayson County, Texas.
Q What county? A Grayson County.
Q How long did you live there? A Lived there till '99.
Q Lived there till '99----then you went where? A Choctaw Nation.
Q Choctaw Nation----where did you go to in the Choctaw Nation?
A East of Sterrett eight miles.
Q How long did you stay in the Choctaw Nation? A About eight
months, I believe.
Q And then did you go back to Texas? A Yes sir.
Q And have lived ever since in Sherman or near Sherman? A Near
Sherman.
Q What is your father's name? A William H. Chisholm.
Q Is he living? A Yes sir.
Q What is your mother's name? A Martha----Martha Chisholm.
Q Martha? A Yes sir.
Q Is she living? A No sir.

(2).

- Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One-sixteenth.
Q How old is your father now? A Fifty-one.
Q When was he born? A He was born in 1850.
Q Where was he born? A I don't know.
Q He claims his Choctaw blood through which parent----father or mother? A He claims it through his mother.
Q That is your grandmother----what is her name? A Let's see----he claims it through his mother's father.
Q Well, through his mother----what was her name? A I couldn't tell you.
Q When did she die----is she dead? A I don't know.
Q Is she dead? A I suppose so.
Q You don't know whether she's dead? A No sir.
Q Where was she born? A I don't know that.
Q Don't know whether she ever lived in Mississippi? A No sir.
Q She claims her Choctaw blood through which parent? A Her father.
Q What was his name? A Ralph Mason.
Q Ralph what? A Ralph Mason.
Q Do you know through whom he claimed his Choctaw blood? A No sir.
Q Did he ever live in Mississippi? A Yes sir, I suppose so.
Q Well, do you know? A Well, I have heard it talked through the family.
Q Who did you hear? A Father.
Q Your father said that Ralph Mason lived in Mississippi? A Yes sir.
Q How old was he when he died? A I couldn't tell you.
Q When did he die? A I don't know.
Q What place did he die? A I don't know that.
Q Where was he born? A I don't know that.
Q How much Choctaw blood did he have? A Half-breed.
Q How do you know he was a half-breed Indian? A Because my mother, ----my father's mother was a quarter, my father's an eighth and I am a sixteenth.
Q Yes----how do you know it? A Just from what I heard my father say.
Q Did you ever hear it any other way? A No sir.
Q Did he live in Mississippi in 1830----Ralph Mason? A I don't know.
Q Was he the head of a family in Mississippi in 1830? A Couldn't tell you that, either.
Q When and where were your father and mother married? A My father and mother?
Q Yes? A I don't know for certain----in Grayson County, Texas, I suppose.
Q Were they married in Grayson County? A I couldn't say for certain.
Q Do you know when they were married? A No sir.
Q Were they married by a minister under a license? A Couldn't say that.

Reasonable time will be allowed this applicant in which to file documentary evidence, and the proper proof of the marriage of his father and mother.

(3).

- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A I think that my father has.
- Q He has been enrolled as a Choctaw Indian, here by the Choctaws in this Tribe---here in the Choctaw Nation? A Yes sir, I think so.
- Q He is a Choctaw Indian in good standing here is he, in the Choctaw Nation? A Oh! no!, he don't live here, if I understand the question.
- Q I asked if your father was a recognized member of the Choctaw Tribe of Indians in the Indian Territory----in the Choctaw Nation Indian Territory. That's the question? A I don't know.
- Q You answered he was, and then you say no----I would like to have your answer to it. A I said I didn't know----that's all I could say.
- Q Well, what reason have you to start off to think that he ever was? Was he ever in the Choctaw Nation, Indian Territory? A He never lived in the Territory.
- Q Was he ever in it? A Yes sir.
- Q Well, did you ever hear that he was enrolled by the Choctaw Tribal authorities and made an Indian, sharing in the lands here, and in the Tribal Government, eligible to office in the tribe? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lizzie Chisholm.
- Q Is she a white woman or Indian? A White woman.
- Q Do you make any claim for her? A No sir.
- Q Have you any children that you want to make application for? A Yes sir.
- Q What is the name of the eldest? A Pearl Chisholm.
- Q What is the name? A Pearl Chisholm.
- Q How old is she? A Two years old.
- Q Any others? A No sir.
- Q You claim for yourself and child? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Have you ever made application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made for citizenship in the Choctaw Nation to either the Choctaw Tribal Authorities or the United States Authorities? A Yes sir, this is the first.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir, not fully.
- Q Want it explained further? A Would like to, yes sir.
- Q The treaty of Dancing Rabbit Creek was entered into between the Choctaw Tribe of Indians and the United States Government September 27, 1830, at Dancing Rabbit Creek, Mississippi, for the

(4).

purpose of effecting the removal of all of the Choctaw Indians who lived in the old Choctaw Nation partly in Mississippi and partly in Alabama to the new Choctaw Nation Indian Territory. A good many Indians refused to go. Before the treaty was signed this became apparent and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that, do you? A Yes sir, I guess so.
- Q Now as you understand that article, do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of it in any way? A No sir, I do not know whether they did or not.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when that treaty of Dancing Rabbit Creek was made? A Couldn't say.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did they ever go from Mississippi or Alabama any of them to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know that.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under article fourteen of that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors ever receive any land or claim any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward, was instructed to make a list of the names of all of the

(5).

Choctaw Indian claimants who went before him within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. This Agent failed to do this, and as a result comparatively few Indians who did make that application as required by article fourteen had their names put down upon his register. This neglect caused a great many Indians who held land in Mississippi to lose the land and the improvements upon the land. Both were sold by the Government. This caused a great many complaints on the part of the Indians, and in 1837 the Congress appointed a Commission by an Act approved March 3, 1837, and this Commission went to Mississippi and heard claimants under article fourteen and made a list of the successful claimants. In 1842 another Commission was appointed by Congress for the same purpose and they went to Mississippi and that Commission made a list of successful claimants under article fourteen. Did any of your Choctaw ancestors go before either of these two commissions and claim benefits under article fourteen of that treaty to your knowledge. A No sir, I don't know.

- Q The Act of Congress approved August 23, 1842, provided that if any Indian claimant proved his right to take land in Mississippi or Alabama under article fourteen and if it also appeared that he had previously been deprived of his land, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that he should receive a certificate, or, as it was then called, scrip from the Government in proof of his right to select land. Did any of your ancestors receive any such scrip from the Government? A No sir, I don't know that they did.
- Q Did any of your ancestors as far as you know---were any of them recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama? A I don't know.
- Q Did they ever receive any benefits as Choctaw Indians? A I don't know sir.
- Q Have you any written evidence that you want to present to the Commission now in support of the claim you make for yourself and child---any papers you want to file? A No sir, I haven't got any at all.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of this application which he makes in his own behalf and in behalf of his child.

Certified copy of the marriage license and certificate between W. P. Chisholm and Lizzie McDaniel offered in evidence, received, filed, marked exhibit "B" and made a part of the record in this case.

- Q Do you speak Choctaw, or understand it? A No sir, I do not.
- Q Is there anything more you would like to say in support of this claim? A No sir.

(6).

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, medium light complexion, medium light hair, light moustache. He has no knowledge of a compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1850 and no knowledge of the Choctaw language.

Hal Belford, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 15, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of November, 1901.

Caro Mitchell
Notary Public.

COPY.

M.C.R. 3762.

as follows:

Muskogee, Indian Territory, July 22, 1908.

Walter Chisholm,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 22d day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Chisholm, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|--------------|
| William H. Chisholm, et al., | M.C.R. 3691, |
| James A. Ladd, et al., | " 3592, |
| Walter Chisholm, et al., | " 3762, |
| George W. Chisholm, et al., | " 3763, |
| John W. Chisholm, | " 3602, |
| Thomas Ralph Chisholm, et al., | " 3603. |

These applications were made under the provision of the act of Congress of June 25, 1896 (50 Stat. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Chisholm, John M. Chisholm, Josie Fern Chisholm, Henrietta Chisholm, Winnie Belle Chisholm, James A. Ladd, James Luther Ladd, Arthur Ladd, Levina Belle Ladd, Walter Chisholm, Pearl Chisholm, George W. Chisholm, William H. Chisholm, Jr., John W. Chisholm, Jr., Ethel Chisholm, John W. Chisholm, Thomas Ralph Chisholm, Bessie Chisholm, Allie Chisholm and Fossie Lois Chisholm, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

M. C. R. 3762

Muskogee, Indian Territory, November 22, 1902.

Walter Chisholm,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 11th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

The Commission is directed to furnish you a copy of the letter of the Secretary of the Interior affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon, and the same are herewith inclosed.

Respectfully,

Acting Chairman.

Inclosures.
MGB 7

Wuskegee, Indian Territory, March 24, 1904.

Walter Chisholm,

Sherman, Texas.

Dear Sir:

The Secretary of the Interior with his letter of March 2, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Malinda C. Satterfield for the identification of herself and minor children as Mississippi Choctaws; also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., it appearing from the records that said Malinda C. Satterfield claims her Choctaw descent through Ralph (or Thomas Ralph) Mason, the same ancestor through whom the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. claim descent. These records were returned in order that the several applicants might be granted an opportunity to introduce additional evidence and testimony in support of their claim.

The Secretary of the Interior in a letter to this Commission, under date of June 5, 1903, relative to the Mississippi Choctaw case of Malinda C. Satterfield, et al., stated that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Depart-

ment by the Indian Office.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
 - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
 - 3rd. Their Choctaw as well as their English names.
 - 4th. The names of their neighbors and immediate associates.
 - 5th. The names and number of the persons who composed their families,
- and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.
- You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but, that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the

W C 3

acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep
Registered

Commissioner in Charge.

M.C.R. 3762

COPY.

Muskogee, Indian Territory, November 30, 1904.

Walter Chisholm,
Sherman Texas,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 22, 1904, refused to disturb the decision of this Commission of July 22, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm et al.

Respectfully,

(SIGNED)

T.B. Needles.

Commissioner in Charge.

Copy of the testimony in this case sent to Garfield, a. 2nd.
Cornish, April 14, 1904.

No. 3702
For Identification as a Mississippi Choctaw.

Date OCT 15 1901

Name Watter Chisholm

Age 25 Blood 1/6

Place, Sherman, Texas

Father: William H. Chisholm, L.

Mother: Martha, " d

Claims through father
wife, Lizzie " w.
No claim for wife -

Children:

Pearl Chisholm, 2

Claims for self
and child -

Stenographer Hal. Belford

Choctaw MCR 3763

George W. Chisholm

See MCR 3591

MCR 3763

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 15, 1901.

#3763.

In the matter of the application of George W. Chisholm
for the identification of himself and his three minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

George W. Chisholm, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A George W. Chisholm.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Valley View.
Q What? A Valley View, Cook County, Texas.
Q Is that all one word? A Yes----two capital V's in it.
Q How long have you lived there? A I have lived there about two
years.
Q Where did you live before you lived in Valley View? A Lived in
the Nation----Choctaw Nation.
Q Where? A Seven miles east of Gale.
Q How long did you live there? A Lived there about eight months.
Q Where did you live before that? A Near Sherman.
Q Near Sherman, in Texas? A Yes sir.
Q How long? A I lived there about twenty-three years----twenty-
three or four years.
Q Where were you born? A Born near Sherman, Texas.
Q What is your father's name? A William H. Chisholm.
Q Is he living? A Yes sir.
Q What is your mother's name? A Martha Chisholm.
Q Martha? A Martha.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a

(2).

- member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
- Q How old is your father now? A Fifty-one years old.
- Q He was born in 1850? A Yes sir.
- Q Where was he born? A Born in Mississippi or Alabama one, I am not sure which.
- Q Don't know which state? A No sir.
- Q He claims through which parent----father or mother? A His mother.
- Q What was her name? A I don't know what her given name was.
- Q Don't know your grandmother's given name? A No sir.
- Q Well now where was she born----in Mississippi or Alabama? A I don't know.
- Q You don't know in what state? A No sir.
- Q Do you know when she was born? A No sir, I don't know.
- Q Is she dead now? A Yes sir.
- Q Do you know when she died? A I could only guess at it----might get in a year of it. It's been about thirty-nine years ago as near as I know.
- Q Do you know how old she was when she died? A No sir, I do not.
- Q She claims her Choctaw blood through which parent? A Through her father.
- Q What was his name? A Ralph Mason.
- Q Mason? A Yes sir.
- Q Is it Mason or Masen? A Masen----M.
- Q Where did he die----Ralph Mason? A I don't know.
- Q When did he die? A I don't know that either.
- Q Where was he born? A I don't know.
- Q Are you sure he lived in Mississippi? A I have heard it that's all.
- Q Who told you he lived in Mississippi? A Father.
- Q Did he live in Mississippi in 1830? A Well, I am not sure whether I have heard whether he lived there at that time or not. I couldn't say.
- Q When and where were your father and mother married? A I don't know the date----it was in Grayson County, Texas.
- Q Do you know about when? A Well, it would be about eighteen I guess and seventy-one.
- Q About that time? A Yes sir.
- Q Were they married by a minister under a license? A They were married under a license, I don't know whether it was a minister or not.
- Q Have you their marriage license and certificate with you? A I have not.
- Q Would you like to file that? A Not at present. I will later.
- Q Like to file that later? A Yes sir.

A reasonable time will be allowed this applicant to file proof of the marriage of his father and mother.

- Q Are you married? A Yes sir.

(3):

- Q What is your wife's name? A Mucy Chishelm.
Q What's that? A M-u-c-y .
Q Mucy? A Yes sir.
Q What is her blood? A I do n't know----not Indian.
Q White woman? A Yes sir.
Q Do you claim for her? A No sir.
Q Have you children you want to make application for? A Yes sir.
Q Name of the oldest? A William H. Jr.
Q William H.? A Yes sir.
Q William H. Jr.----named for his grandfather? A Yes sir.
Q How old is he? A Five years old.
Q Next? A Sir.
Q Next Child? A John W. Jr.
Q John W.? A Yes sir.
Q He's named for whom? A Named for his uncle----great uncle.
Q How old is he? A Two years old.
Q Any others? A I have a baby three months old---girl----Ethel.
Q How? A Ethel----E-t-h-e-l .
Q How old? A About three months. I give the other age as two years. Just lacks a few days of being three---be three the 20th of this month.
Q You claim for yourself and children? A Yes sir.
Q Is Mucy----your wife Mucy the mother of these children? A Yes sir.
Q You the father? A Yes sir.
Q Has she ever been married before her marriage to you? A No sir.
Q When and where were you two married? A Married near Sherman on the 8th of November, 1894.
Q Were you married by a minister under a license? A Yes sir.
Q Have you your marriage license and certificate with you to file now? A I have not. I will have to ask a little time to do that.
Q Reasonable time will be allowed you in which to file proof of your marriage to your wife. Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw Tribal Authorities for the enrollment of yourself and children as Choctaw Indians? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
Q Did you ever make application to any authority for citizenship in the Choctaw Nation for yourself and children before this time, either to the Choctaw Tribal Authorities or the Authorities of the United States? A No sir.
Q Have you or your children ever been enrolled as Choctaw Indians by any authority? A No sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw for yourself and your children, claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I think I understand it. I couldn't repeat it.
Q You have heard it explained a number of times, did you? A Yes sir.
Q And read? A Yes sir.
Q Do you think you understand it sufficiently well to claim under it? A Yes sir.

(4).

- Q You don't care to have it read again? A No sir, I don't.
- Q It will be read to you if you wish but if you wish to waive it you can do so. A Well, I am satisfied as it is.
- Q Now as you have heard it read and explained, do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A I do not.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 or any time before that? You said they were living in either Mississippi or Alabama, I think? A Yes sir.
- Q My question is, did they live in the Choctaw Nation in Alabama or Mississippi? A I don't know. Was that question prior to 1830.
- Q Yes, prior to 1830 or at that time? A I have heard it I think but I am not certain of it.
- Q You don't know whether any of your ancestors were married and the heads of families in the old Choctaw Nation in Mississippi and Alabama at that time? A No sir, I don't.
- Q You claim your Choctaw blood through Ralph Mason? A Yes sir.
- Q He was how much of an Indian? A Half.
- Q Did he own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did he go, or did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1838----do you know? A I think not----I don't know.
- Q Did he or any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek tell the United States Indian Agent whose name was Ward----Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors receive any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did they receive or claim any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek, Colonel Ward who was the United States Indian Agent in Mississippi at that time, was instructed by the government to make a list of the names of Choctaw Indians who claimed rights under article fourteen of that treaty, and who went to him within six months from the ratification of the treaty and told him that they intended to stay in Mississippi and take land there. Colonel Ward neglected to make a list of the Choctaw Indian claimants under article fourteen except a small list which comprised only a small fractional part of the whole number of Indians who made application before him, and as a result of this neglect of his a great many Choctaw Indians who had land in Mississippi had that land taken from them and the land and improvements both were sold by the government at the public land sales. This caused a great many complaints on the part of the Indians so that in 1837 Congress appointed a Commission by an Act approved March 3, 1837, and this Commission went to Mississippi and heard Choctaw Indians who claimed rights under article fourteen of that treaty. This Commission made a list of the names of successful claimants under that article. In 1842 another Commission was appointed for the same purpose, and they made a similar list of successful claimants under article fourteen. Did any of your Choctaw ancestors go either before the Commission of 1837 or the

(5).

Commission of 1842? A I don't know.

Q And claim benefits as Choctaw Indians? A I don't know.

Q The Act of Congress approved August 23, 1842, provided that in case a Choctaw Indian came before that Commission and proved his right under article fourteen, if it also appeared that his land had been taken from him he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be issued to him. Now these certificates were called scrip. Do you know whether any of your ancestors received any such scrip from the Government? A No sir.

Q Have you any documentary evidence that you would like to introduce now in support of your claim? A None at present. Want to introduce some later.

Q Would you like some time? A Yes sir.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of his application and the application he makes for his children. Also evidence to prove the marriage of his father and mother and his own marriage with his wife Muey.

Q Do you speak the Choctaw language? A No sir.

Q Or do you understand it at all? A No sir.

Q Is there anything further you would like to say in support of your claim? A Nothing further.

Q Is this your brother, Walter Chisholm, who has just appeared here on this date? A Yes sir.

Q Would you like to have his testimony and yours considered together that each may get the benefit of the testimony of the other? A Yes sir.

Q Have any others of your relatives appeared here for identification? A Yes sir, my father and uncle.

Q What is your father's name? A William H. Chisholm.

Q He has appeared has he? A Yes sir.

Q And what is your uncle's name? A A. J. Ladd.

Q A. J. Ladd? A Yes sir.

Q When did he come before the Commission? A I don't know exactly been about two weeks.

Q Do you want to have their testimony considered with yours--so that you and your brother may get the benefit of that they have testified to? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Has brown eyes, medium dark complexion, dark brown hair. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

(6).

Hal Belford, being first duly sworn, upon his oath stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 18, 1901, and that the foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of November, 1901.

Charles Mitchell
Notary Public

COPY.

M.C.R. 3763.

Waskagee, Indian Territory, July 22, 1902.

George W. Chisholm,
Valley View, Texas.

Dear Sir:

You are hereby advised that on the 22d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Chisholm, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| William H. Chisholm, et al., | M.C.R. 3691 |
| James A. Dadd, et al., | " 3692 |
| Walter Chisholm, et al., | " 3762 |
| George W. Chisholm, et al., | " 3763 |
| John W. Chisholm, | " 3802 |
| Thomas Ralph Chisholm, et al., | " 3803 |

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Chisholm, John M. Chisholm, Josie Fern Chisholm, Henrietta Chisholm, Winnie Belle Chisholm, James A. Ladd, James Luther Ladd, Arthur Ladd, Levina Belle Ladd, Walter Chisholm, Pearl Chisholm, George W. Chisholm, William H. Chisholm, Jr., John W. Chisholm, Jr., Ethel Chisholm, John W. Chisholm, Thomas Ralph Chisholm, Bessie Chisholm, Allie Chisholm and Jossie Lois Chisholm, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are farther advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(CNED).

T. E. Needles.

Commissioner in Charge.

Registered.

M. C. N. 3763

Muskogee, Indian Territory, November 22, 1902.

George W. Chisholm,
Valley View, Texas.

Dear Sir:

You are hereby advised that on the 11th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

The Commission is directed to furnish you a copy of the letter of the Secretary of the Interior affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon, and the same are herewith inclosed.

Respectfully,

Acting Chairman.

Inclosures.
MGB 6

Muskogee, Indian Territory, March 24, 1904.

George W. Chisholm,
Valley View, Texas.

Dear Sir:

The Secretary of the Interior with his letter of March 2, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Malinda C. Satterfield for the identification of herself and minor children as Mississippi Choctaws; also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., it appearing from the records that said Malinda C. Satterfield claims her Choctaw descent through Ralph (or Thomas Ralph) Mason, the same ancestor through whom the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. claim descent. These records were returned in order that the several applicants might be granted an opportunity to introduce additional evidence and testimony in support of their claim.

In a letter to this Commission, under date of June 5, 1903, relative to the Mississippi Choctaw case of Malinda C. Satterfield, et al., the Secretary of the Interior stated that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the 14th article of the treaty of 1831 or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

G W C 3

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Cornish, South McAlester, Indian Territory.

Respectfully,

R & R Dep
Registered

Commissioner in Charge.

M.C.R. 3763

OPY.

Muskogee, Indian Territory, November 30, 1904.

George W. Chisholm,
Valley View, Texas,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 22, 1904, refused to disturb the decision of this Commission of July 22, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm et al.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

No. 3763

For Identification as a Mississippi Choctaw.

Date

OCT 15 1901

Name George W. Chisholm,

Age 27 ⁴ Blood 1/16

Post Office, Valley View, Texas.

Father: William H. — " — l,

Mother: Martha — " — d

(Claims through father —
wife, Mucy " w.

No claim for wife,

Children:

William H. " Jr. 5

John W. " Jr. 3

Ethel " 3m.

Claims for self &
children

Stenographer

Hal. Belford,

10. 12. 1910

Choctaw MCR 3764

Henty C. Choctaw

See MCR 3772

MCR 3764

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, Indian Territory, October 18, 1904.

#3764.

In the matter of the application of Henry G. Martin
for the identification of himself and his four minor children as
Mississippi Choctaws.

Applicant not represented by attorney.

Henry G. Martin, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Henry G. Martin.
Q Henry G. Martin? A Yes sir.
Q What is your Post Office address? A White Mount, Texas.
Q What is it? A White Mount, Texas.
Q How long have you lived at White Mount? A I suppose about
thirty-five years---I don't know exactly.
Q Where were you born? A Louisiana.
Q What place in Louisiana? A It was in Deuster Parish.
Q Deuster? A Yes sir.
Q How do you spell that? A I don't know. I was at school when I
left there I couldn't tell.
Q Did you come from there to White Mount, Texas? A No, sir.
Q Did you come from there to White Mount, Texas? A Yes sir.
Q What is your father's name? A Augustus Martin.
Q Is he living? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Mary Martin.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I don't know.
Q How many children were born to you? A Four.
Q What are their names? A I don't know.
Q How old are your children? A I don't know.

(2).

- Q 1876? A Yes sir.
- Q How old was she when she died? A She was thirty----forty-two.
- Q Well then she was born in '34 wasn't she----1834? A Yes.
- Q Do you know where she was born? A She was born in Georgia.
- Q In Georgia? A Yes sir.
- Q Through which parent did she claim her Choctaw blood? A Her father.
- Q Her father----what was his name? A Allen.
- Q What is the full name? A Green Allen.
- Q Green Allen? A Yes sir.
- Q Through which parent did he claim Choctaw blood? A His father.
- Q What was his father's name? A William Allen?
- Q William Allen? A Yes sir.
- Q And he claimed through which parent? A I don't know, that's as far back as I know.
- Q Where was Green Allen born? A I don't know.
- Q Where did he die? A He died in Louisiana.
- Q Do you know where in Louisiana? A Well, it was in Bossier Parish, but I don't know couldn't say what place.
- Q You don't know his age when he died? A No sir.
- Q Did he ever live in Mississippi? A I couldn't say for certain whether he did or not.
- Q Did his father, Green Allen, ever live in Mississippi? A I don't know only just hearsay. I have been taught he lived there. I couldn't say positively.
- Q Who taught you he lived there? A My parents and uncles----family you might say.
- Q Did either of them ever live in Alabama? A Not as I know of, I don't know.
- Q How much Choctaw blood did Green Allen have? A I don't know.
- Q Are you married? A How's that.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Virginia.
- Q Virginia? A Yes sir----Martin.
- Q Is she a white woman or Indian? A She's a white woman.
- Q Do you make any claim for her? A No sir.
- Q Have you any relatives or kin people who have appeared for identification here before the Commission? A Yes sir, I have an uncle.
- Q What is his name? A I. B. Allen, I believe. We call him Bryant although I don't know how he made his application.
- Q Any other relatives? A Yes sir, some Spurlins and Waldrops----I don't know exactly how they sign their names
- Q Spurling. A Yes sir.
- Q And Waldrop? A Yes sir.
- Q You can't give the first name? A No sir. I can give some of them. There's Joe Spurling----that's all the one.
- Q Did they claim through Green Allen? A Yes sir, William Allen.
- Q Do you claim through William? A Yes sir.
- Q Do you want to have the testimony of these relatives taken in connection with yours that you may get the benefit of what they have testified to? A Yes sir.
- Q And of the records in their cases? A Yes sir.
- Q Have you any children that you want to make application for? A Yes sir.
- Q What is the name of the oldest? A Beulah.
- Q How do you spell that? A B-e-u-l-a-h.
- Q B-e-u-l-a-h? A Yes sir.
- Q She is how old? A She's sixteen.

(3).

- Q Now the next? A That's Mabel.
Q Mabel Martin---how old? A She's nine.
Q Next? A Is Clyde.
Q C-l-y-d-e? A Yes sir.
Q Boy? A No sir.
Q She's a girl? A Yes sir.
Q How old is Clyde? A Clyde---she's five.
Q Any more? A Yes sir, Robbie. All Girls.
Q Is that a girl too? A Yes, Robbie instead of Robert.
Q Robbie? A Yes sir.
Q P-o-b-b-i-e? A Yes sir.
Q How old? A She's two years old.
Q Any others? A No sir.
Q You claim for yourself and these children? A Yes sir.
Q Is Virginia Martin the mother of these children? A Yes sir.
Q Was she ever married before she married you? A No sir.
Q Were you ever married before you married her? A No sir.
Q Are these children living with you at your home? A Yes sir.
Q They are yours, all of them? A Yes sir.
Q When and where were you married to your wife, Virginia Martin?
A I was married in Texas., near White Mount. When did you say?
Q When, yes. A 10th of December '84.
Q By a minister under a license? A Yes sir.
Q Have you your marriage license and certificate with you? A Yes sir.
Q Do you want to file them in this case to-day? A Yes sir.
Q Have you the marriage license and certificate of the marriage between your father and mother? A No sir, I haven't.
Q Reasonable time will be given you to prove their marriage. Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for yourself or children for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir.
Q Did you ever make that application for your children? A No sir.
Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Is this the first application of any kind that you have ever made for yourself and children either to the Choctaw Tribal Authorities or to the United States Authorities? A Yes sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Why, I heard it read several times to-day. I think I understand it.
Q You have heard it read and explained? A Yes sir.
Q Did you hear it fully explained? A I heard it as you explained it to the others.
Q Well now, do you want it read and explained again? A I don't hardly think its necessary.
Q You think you understand it now as well as you would if I explained it further? A Yes sir, I think I do.
Q And you waive the reading and explanation now, do you? A Yes sir.

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- Q That is your wish is it---you wish to have the reading waived?
A Well, you can just read it if you think it's necessary.
- Q Well, that's for you to say. I will read it if you say so. A Well, read it then.
- Q The treaty of Dancing Rabbit Creek was entered into in Mississippi at Dancing Rabbit Creek on the twenty-seventh day of September, eighteen hundred and thirty, between the Choctaw Indians who lived in the old Choctaw Nation which was partly in Alabama and partly in Mississippi, and the United States Government. The object of the treaty was to remove all of the Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation Indian Territory. Before the treaty could be signed it was discovered that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory. They preferred to stay in Mississippi and Alabama and in order to protect their interests article fourteen was put into this treaty of 1830. It was put in there for the especial benefit of the Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama. Now article fourteen reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you understand that? A Yes sir, I think I do.
- Q As it has been explained to you and as you understand it do you know if any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know that they did.
- Q What is the name of your ancestor or ancestors who were Choctaw Indians and who lived in Mississippi or Alabama in 1830? A William Allen---I don't know as he lived there at that time.
- Q Well, what do you know about his living in Mississippi in 1830. A I don't know whether he lived there or not.
- Q Where do you think he did live? A I don't know.
- Q Do you know that he ever lived in Mississippi? A I don't know it no sir.
- Q Do you know that he ever lived in Alabama? A No sir.

(5).

- Q Then you don't know whether he was a Mississippi Choctaw? A No I don't know it.
- Q Do you know he had any Choctaw blood in him? A No, I don't know, no.
- Q Well, which is the ancestor through whom you claim your right to be identified. A William Allen.
- Q Well, you say you don't know that he had any Choctaw blood? A No I couldn't swear to it but I believe it well enough to put in a claim.
- Q What makes you believe it? A Well, I have been taught by my parents.
- Q What did they teach you----that he was a half Choctaw? A Yes sir.
- Q Then you have heard through your father that he was a half Choctaw Indian? A Through my mother.
- Q Through your mother? A Yes sir.
- Q She was descended from him? A How's that?
- Q Your mother was descended from him? A Her father was Green Allen and William Allen was his father.
- Q Did you ever hear from any other source that William Allen had any Choctaw blood? A No sir.
- Q Except through your mother? A Uncle.
- Q What uncle? A Her brother.
- Q What is his name? A Bryant Allen.
- Q Bryant Allen? A Yes sir.
- Q Has he ever made application for identification as a Mississippi Choctaw? A Yes sir.
- Q When did Bryant Allen appear here? A I believe it was along the first of October----no, it was the last of September, was when it was.
- Q Here at Atoka? A What's that?
- Q Here? A Yes sir.
- Q Did he claim through William Allen? A Yes sir.
- Q Well, did Green Allen ever live in Mississippi or Alabama? A I don't know whether he did or not.
- Q Did any of your Mississippi Choctaw ancestors own any land in Mississippi or Alabama in 1830? A I don't know as they did.
- Q You claim through your mother----when did she die? A She died in----first of November '76.
- Q And how old was she? A Forty-two.
- Q She was born since 1830. A Yes sir.
- Q She claimed through her father, Green Allen? A Yes sir.
- Q Now don't you know what state your mother was born in? A She was born in Georgia, I think.
- Q She was born in Georgia in 1834 or thereabouts? A Yes sir.
- Q How old was her father at that time, do you know? A No sir, I don't.
- Q Do you know how he came to be in Georgia? A No sir, I don't.
- Q Where did he die? A Green Allen---he died in Louisiana.
- Q Where was he born? A I don't know where he was born.
- Q Where was he married? A I don't know that either.
- Q You don't know whether he was born in Mississippi? A No sir.
- Q Or in Alabama? A No sir.
- Q Or whether he was ever in Mississippi or Alabama? A No, I don't know that he was.
- Q You do know he was in Georgia? A No, I don't know whether he was there or not.
- Q Well, your mother was born there----in Georgia? A Yes sir.
- Q And what other state did you say he was in? A He died in Lou-

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- isiana----that's as far as I know.
- Q Do you know anything about William Allen----where he was born or where he died? A No sir.
- Q How old he was when he died? A No sir.
- Q Was he ever in Mississippi or Alabama? A I don't know that he ever----whether he was or not.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1839? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward that they intended to stay in Mississippi and take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land as Choctaw Indians in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim any benefits under any other article of the treaty of 1830, either in Mississippi or Alabama, or under the supplement of that treaty? A I don't know whether they did or not.
- Q In accordance with the provisions of the fourteenth article of the treaty of 1830, the United States Indian Agent, Colonel Ward, was instructed to make a list of the names of all Choctaw claimants who claimed benefits of any kind under article fourteen of the treaty of 1830 and who went to him within six months from the ratification of the treaty of 1830 and made their claims, but he, Colonel Ward, neglected to make a complete list of Choctaw claimants under article fourteen. In fact he left off the greater majority of all Indians who did go to him within that time. And this neglect on his part caused the Indians who had land in Mississippi and Alabama to lose the land. The Government took it away from them and sold it at their public land sales. This caused so many complaints among the Indians that in 1837 Congress appointed a Commission by an Act approved March 3, 1837, and this Commission went to the State of Mississippi and heard Choctaw claimants under article fourteen and made a list of the names of the successful claimants. In 1842 another Commission was appointed for the same purpose, and that Commission made a list of the successful Choctaw claimants under article fourteen. Did any of your ancestors go before either of those two Commissions and claim any benefits under that article of that treaty? A I don't know whether they did or not.
- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian should prove his claim before it and if it also appeared that his land had been previously taken from him he should be entitled to receive land either in Alabama, Mississippi, Louisiana or Arkansas to be taken from vacant Government land, and that a certificate or certificates should be issued to him to that effect. Do you know if your Choctaw ancestors received any such certificates, which were also called scrip from the Government as Choctaw Indians? A I think they received scrip.
- Q Now do you understand what is meant by scrip? A No sir, I don't know whether I do or not.
- Q Well, do you think it was money? A No.
- Q Well what do you understand by it then? A Well, I understand it to be something that showed them that they had a right to--that

(7).

- they would have a right to get hereafter something of that sort.
- Q Right to get what? A Something that would be--receive pay or something to that amount.
- Q Well, I have explained that by saying that this certificate was entitling them the holder to go and select land in Alabama, Louisiana, Mississippi or Arkansas. Now did any of your ancestors receive any such scrip? A I don't know whether they did or not.
- Q You never said? A No.
- Q Have you any documentary evidence now you want to introduce in support of your claim? A Not at present.
- Q You have this petition, haven't you? A Yes sir.

Petition of this applicant presented by him, received, filed, marked exhibit "A" and made a part of the record in this case.

Certified copy of the marriage license of H. G. Martin and Virginia Arnold presented by applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

- Q Is this all you have to present? A Yes sir.

A reasonable time will be allowed this applicant in which to file further or additional testimony in support of his claim which he makes for himself and children.

- Q Do you speak the Cheestawla nguage? A No sir.
- Q Is there anything further you want to say in support of your claim now? A Not at present.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, medium dark complexion, light brown mustache dark or brown hair. He has no knowledge of the Cheestaw language, and no knowledge of a

(8).

compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 15, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of November, 1901.

Clara M. [illegible]
Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

K.C.P. 3766

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CITY.

Muskogee, Indian Territory, December 6, 1902.

Henry G. Martin,

Whitemound, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

| | | | | |
|---------------------------------|---|---|---|------|
| Eliza Holloway, et. al., | M | C | R | 3772 |
| Mary E. McCurdy, et. al., | M | C | R | 3776 |
| Cora Vaughan, et. al., | M | C | R | 3799 |
| Robert Holloway, | M | C | R | 3788 |
| Sallie Watts, | M | C | R | 3779 |
| Emmet Holloway, et. al., | M | C | R | 3775 |
| Kate O. Watts, | M | C | R | 3785 |
| Louisiana A. Holloway, et. al., | M | C | R | 3781 |
| George W. Holloway, et. al., | M | C | R | 3790 |
| Mark Holloway, | M | C | R | 3789 |
| Mary L. Allsup, et. al., | M | C | R | 3786 |
| Green A. Martin, et. al., | M | C | R | 3782 |
| Mary E. Franklin, | M | C | R | 3784 |
| Henry G. Martin, et. al., | M | C | R | 3764 |
| Fannie E. Hall, et. al., | M | C | R | 3783 |
| Annie L. Francis, | M | C | R | 3787 |
| Gussie M. Johnson, et. al., | M | C | R | 3791 |
| John N. Martin, et. al., | M | C | R | 3792 |
| James A. Martin, et. al., | M | C | R | 3765 |
| Isaac B. Allen, et. al., | M | C | R | 3644 |
| Clara P. Duke, et. al., | M | C | R | 3825 |
| John G. Allen, et. al., | M | C | R | 3826 |
| Charlie A. Allen, et. al., | M | C | R | 3824 |
| James T. Allen, | M | C | R | 3828 |
| Henry C. Allen, | M | C | R | 3827 |
| Linna B. Dodson, | M | C | R | 3777 |
| Mary M. Waldrop, et. al., | M | C | R | 3773 |
| Alfred J. Roberson, | M | C | R | 3808 |
| Elizabeth I. McMahan, et. al., | M | C | R | 3774 |
| John A. Waldrop, | M | C | R | 3647 |
| Achilles A. Waldrop, | M | C | R | 3648 |
| Prudie E. Wooten, et. al., | M | C | R | 3778 |
| Joseph T. Spurlin, et. al., | M | C | R | 3645 |
| Dixon G. Spurlin, | M | C | R | 3646 |

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bummer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bummer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zera Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth L. McMahan, Alfred Franklin Waldrop, Zoma L. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Bursnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lulu V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Acting Chairman

Registered.

M.C.R. 3764

COPY.

Muskogee, Indian Territory, March 24, 1903.

Henry G. Martin,
Whitemound, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

W. H. H. H.

Tame Pinky.
Chairman.

For Identification as a Mississippi Check

Date OCT 15 1901

Name *Kenny S. Martin*

Age *41* — Blood *don't know.*

Post Office, *White Mountain, Tenn.*

Father: *Augustus Martin, l*

Mother: *Mary d*

Claims through *mother*
wife; Virginia Martin, w.
No claim for wife —

Children:

Beulah, Martin, 16

Mabel Jane " 9

Clyde (girl) " 5

~~*Robert*~~

Robbie (girl) 2

*Claims for self &
children —*

Stenographer *Hal Bedford*

END
OF
ROLL

